

Teaching Civic Knowledge through the Founding Documents

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Introduction

The writer of Ecclesiastes observed, "Of making many books there is no end, and much study is wearisome to the flesh."¹ This ancient observation holds true for modern day students and teachers of American government and history. The sheer number of books and articles written about the Founding Era and its two foundational documents, the Declaration of Independence and the U.S. Constitution, present a formidable obstacle for an aspiring teacher looking for the best way to present the Founding to students who have little background in the material.

Scholarly shades of interpretation of the two documents abound. For example, M.E. Bradford claims that the Declaration and the Constitution are conservative documents and that the American Revolution itself was a conservative event. W.B. Allen asserts that "the Declaration of Independence and the Constitution are best friends...that they are necessary and reciprocal supports for each other."² Mortimer J. Adler and William Gorman argue that the Declaration and the Constitution, together with The Gettysburg Address, form an American Testament, and that the documents set forth a coherent political doctrine that had already been debated and deliberated by the time of their writing.³ In contrast, Pauline Maier in *American Scripture* presents a view that the Declaration "became an expression of the American mind"; that it was "remade into a sacred text, a statement of basic, enduring truths often described

¹ Ecclesiastes 12:12 The Nelson Study Bible, New King James Version. Thomas Nelson Publishers: Nashville, 1997.

² W.B. Allen, "Best Friends: The Declaration of Independence and the Constitution." Keynote address delivered before the New Hampshire Center for Constitutional Studies at its 2004 Constitution Day Celebration, Concord, New Hampshire, September 21, 2004. Available at <http://teachingamericanhistory.org/library/index.asp?document=1451> (accessed 4 July 2010)

³ Mortimer Adler and William Gorman, *The American Testament*. New York: Praeger, 1975, 9.

with words borrowed from the vocabulary of religion."⁴ Professor Maier refers to Carl Becker's "delightful (but now dated)" work, *The Declaration of Independence: A Study in the History of Political Ideas*. While its delightfulness is perhaps debatable, it must be admitted that Becker presented enough detailed information about the Declaration to demonstrate its practical use. That is, the Declaration's primary purpose was "not to declare independence, but to proclaim to the world the reasons for declaring independence," and further, "The Declaration was not primarily concerned with the causes of this rebellion" but "to present those causes in such a way as to furnish a moral and legal justification for that rebellion."⁵

Russell Kirk, in *The Roots of American Order*, holds that the passion found in the Declaration for taking action is controlled in the orderliness of the Constitution, which incorporates the lofty ideals of the Declaration into law,⁶ and Professor Harry Jaffa adds that the moral philosophy presented in the Declaration is assumed by the Constitution.⁷ Donald S. Lutz defines the Declaration and "the first national constitution, the Articles of Confederation" as our "national compact," and asserts that changing the government (by replacing the Articles with the Constitution) left "the social compact untouched."⁸ James R. Stoner, Jr. credits the Declaration and the revolution with establishing "*political* liberty," while cautioning readers not to attribute to political liberty "the whole of things, or even the noblest things" because "political liberty can be a good, even a noble good, without being the comprehensive good."⁹

⁴ Pauline Maier, *American Scripture: Making the Declaration of Independence*. New York: Vintage, 1998, xviii.

⁵ Carl L. Becker, *The Declaration of Independence; a Study in the History of Political Ideas*,. New York: A. A. Knopf, 1942, 5; 7.

⁶ Russell Kirk, *The Roots of American Order*. Wilmington, DE: ISI, 2003.

⁷ Harry V. Jaffa, "Our Embattled Constitution" in *Imprimis*, June 2004.

⁸ Donald S. Lutz, *The Origins of American Constitutionalism*. Baton Rouge: Louisiana State UP, 1988, 112.

⁹ James R. Stoner, Jr., "Is There a Political Philosophy in the Declaration of Independence?" *The Intercollegiate Review* (Fall/Winter 2005), 9.

These writers represent just a fraction of the secondary resources available on the Founding. Because there is such an abundance of primary and secondary material about the Founding, the Declaration of Independence, and the U.S. Constitution, and because it is crucial that teachers bring that material to life for students who may be interested in learning anything other than the history of our government, the purpose of this project is to put the Founding Era and its documents where they belong - at the beginning of a course on American government.¹⁰

This project is divided into five parts. Part I presents a brief look at how we are doing in transmitting knowledge about the ideas, the people, and the events involved in the Founding. Current civic literacy studies and current events illustrate our collective confusion and lack of knowledge about our nation's history and government.

Part II explains the importance of the Founding by answering the question: Why teach the Founding? While the Founding is important in general, it is especially important for high school students, because for many of them, this is the only time they will learn the basic underpinnings of American government.

Part III begins to answer the question "How do we teach the Founding?" with an introduction to the unit and an essay setting up the historical context of the era as a point of reference or review for the teacher.

Part IV presents the three lesson plans that make up the unit, and includes outlines, student handouts, and teacher keys. Part V offers concluding thoughts that explore the use of the unit in the context of the original analytical essay, and hopefully, makes clear the practical and philosophical necessity of starting a government course with this foundational unit on

¹⁰ This unit is designed primarily with a government course in mind, and it forms a unit on its own. It can easily be adapted for use in an American history course.

America's beginning. Appendices are included with materials for teachers to make use of as they see fit, and if time allows.

Part I. How Are We Doing?

In a word - abysmally. By any measurable standard, we are failing to teach civic knowledge to the next generation. The Intercollegiate Studies Institute, through its Civic Literacy Program, has administered annual multiple-choice exams since 2006 that measure the knowledge of college freshmen and seniors nationwide in American history, government, foreign affairs, and market economics.¹¹ Both age levels failed the exam, but even more alarming, seniors at many schools failed at a higher rate, indicating what ISI calls "negative learning." In 2008, ISI expanded its study to measure the civic literacy of Americans of all ages. A random, representative sample of 2,508 American adults participated in the survey. Those with college degrees were compared to those without college degrees. Respondents were asked thirty-three questions compiled from U.S. naturalization exams, U.S. Department of Education high school progress tests (NAEP), and questions designed for this study. The total failure rate was 71%, with college graduates failing at 57%.

While all of the study's conclusions present a dismal picture of the results of

¹¹ *The Coming Crisis in Citizenship: Higher Education's Failure to Teach America's History and Institutions: A Report by ISI's National Civic Literacy Board*; Intercollegiate Studies Institute American Civic Literary Project. 2006. Available at <http://www.americancivilliteracy.org/index.html> (accessed 27 December 2011). See also: Sandra Day O'Connor and Roy Romer, "Not by Math Alone," published in The Washington Post, March 25, 2006. Available at http://www.washingtonpost.com/wp-dyn/content/article/2006/03/24/AR2006032401621_pf.html, and Guardian of Democracy: The Civic Mission of Schools, follow-up to the 2003 Civic Mission of the Schools (CMS) report, supported by Justice Sandra Day O'Connor and Congressman Lee Hamilton, co-chairs for the Campaign for the Civic Mission of Schools. Available at: <http://civicmissionofschoools.org/site/documents/ViewGuardianofDemocracy/view> (accessed 27 December 2011).

college education on civic literacy, for the purposes of this project, two are key for high school teachers. The first is that in secondary schools that *do* require history and/or government courses, the focus is on twentieth century history:

By the time an American earns a bachelor's degree, it is highly unlikely that he or she will have a solid command of the founding and Civil War eras, core constitutional principles, and market economics. Pre-college education tends to increase knowledge of themes from twentieth-century American history at the expense of economics and pre-twentieth-century themes that tend to be the foundation of much subsequent political discourse.¹²

In many states, when juniors in high school take American history classes, they begin the year studying events after 1877, thus bypassing colonial history through the Founding Era and up to the Civil War.¹³ The reasoning is that since seventh or eighth-grade U.S. history covers from 1492 to Reconstruction, why start over at the beginning? There are two erroneous assumptions here. The first is that students will remember what they learned three or four years earlier, and the second is that what suffices for the seventh or eighth-grade is sufficient for the eleventh-grade. Both assumptions contribute to low proficiency scores and an utter lack of knowledge of any information outside of the twentieth century.

But at least these students are required to take some kind of history or government class. Over thirty states do not require high school students to take civics or government classes at all before they graduate.¹⁴ Because more American students will attend and graduate from high school than will enter college, it is crucial that these students are

¹²*Our Fading Heritage: Americans Fail a Basic Test on Their History and Institutions*; Intercollegiate Studies Institute American Civic Literacy Program. 2008-2009. Available at http://www.americancivilliteracy.org/2008/summary_summary.html (accessed 4 July 2011).

¹³ Louisiana's current Grade-Level Expectations (GLEs) for the 11th grade begin with the Industrial and Gilded Ages. Available at http://www.doe.state.la.us/topics/gle_handbooks.html (accessed 4 April, 2012).

¹⁴ "Civic Education: Recent History, Current Status, and the Future." American Bar Association Symposium: "Public Perception and Understanding of the Justice System." Presented by Charles N. Quigley, Executive Director, Center for Civic Education. Washington, D.C. February 25-26, 1999. Available at http://www.civiced.org/papers/papers_quigley99.html (accessed 15 July 2010).

thoroughly grounded in the founding principles of the United States. Yet, not surprisingly, given the low priority paid to government classes in high school, “only 27 percent of 12th graders in 2006 were proficient in civics and government.”¹⁵

A second conclusion that emerges from ISI’s study is also of concern to secondary teachers, and consequently, to university instructors and professors as well. Students need to be taught the essentials of government – that is, those things they need to know in order to understand and participate in our democratic republic. While classroom discussions about current events have their place, until students understand why our government works the way it does, those conversations often devolve into feelings-based justification: “I feel...that’s not fair” or “I think...that’s not right.” Students need to learn the foundation of American government before they debate policies or court decisions or the latest protest gathering; they simply don’t have enough information until then. Unfortunately, ISI’s study concluded that not only are college students *not* taught the basics of American government, but they are being actively indoctrinated toward a particular political ideology:

In this case, we found that while college adds little to civic knowledge, it does seem to encourage graduates to identify more strongly with the Democrat and Liberal ends of the political spectrum, as well as to be more likely to adopt identifiably liberal positions on such polarizing social issues as same-sex marriage, abortion-on-demand, and school prayer. For many years, Americans have suspected that the liberal views that are dominant among college faculty and the campus climate would begin to rub off on unsuspecting undergraduates, and here finally was empirical evidence that corroborated those suspicions.¹⁶

Clearly the thought that institutions of higher learning would indoctrinate students is not the role envisioned by the Founders. What they strongly encouraged was an educated citizenry,

¹⁵ “Flunking Civics: Why America’s Kids Know So Little.” Mark Hansen, posted in the American Bar Association Journal. May 2011. Available at <http://www.abajournal.com/magazine/article/civics> (accessed 10 October, 2011).

¹⁶ *Enlightened Citizenship: How Civic Knowledge Trumps a College Degree in Promoting Active Civic Engagement*. Intercollegiate Studies Institute American Civic Literacy Program, 2011. Available at http://www.americancivilliteracy.org/2011/major_findings_finding1.html (accessed 14 July 2011).

because, as Samuel Webster said in 1777, “a wise, a knowing and a learned people are the least likely of any in the world to be enslaved.”¹⁷ It is bad enough that students enter college with a deficit in civic knowledge; that they leave four years later with less knowledge and a significant level of indoctrination, whether intentional or not, is shameful.

The results of ISI's survey (as well as other organizations, including Justice Sandra Day O'Connor's Campaign for the Civic Mission of Schools and the Thomas B. Fordham Institute) each year have been sadly consistent: Americans' civic literacy is dismal. Thomas Jefferson, who understood the importance of an educated citizenry, said, “If a nation expects to be ignorant and free...it expects what never was and never will be.”¹⁸ As if to underscore the importance of this nation-wide problem, editorials assert that the practical results of our lack of instilling civic knowledge are that we are in danger of losing our freedoms because of our own ignorance. Cal Thomas, in “The Law and Your Civil Liberties,” highlights the real danger that can result when Americans are unaware that courts have “effectively decimated the Fourth Amendment.” Thomas gives the details of Kenneth Wright, of Stockton, California, who was greeted by federal law enforcement officers representing the Department of Education at 6:00 a.m. on June 7, 2011. The officials stormed into his home, dragged him in handcuffs to a patrol car where he sat for six hours while they woke his three children and searched the home. Americans should be worried, says Thomas, because “If a gang of cops,

¹⁷ Quoted in *Failing Our Students, Failing America: Holding Colleges Accountable for Teaching America's History and Institutions*. Intercollegiate Studies Institute American Civic Literacy Program. 2007-08. <http://www.americancivilliteracy.org/2007/introduction.html> (accessed 14 July 2011).

¹⁸ Thomas Jefferson, January 6, 1816 letter to Charles Yancy. Available on the Jefferson Monticello Website: http://www.monticello.org/site/jefferson/quotations-education#_note-6; link to the polygraph copy at the Library of Congress: <http://memory.loc.gov/cgi-bin/ampage?collId=mtj1&fileName=mtj1page048.db&recNum=730> (accessed 14 July, 2011).

acting on behalf of the Department of Education, can break down your door in possible violation of the Fourth Amendment, then none of us is safe.”¹⁹

Thomas assumes that Americans know their Fourth Amendment rights. Rich Lowry is not so sure. In “A Bad Case of National Amnesia: Americans Ignorant of Their History” he echoes the findings of the ISI yearly civic literacy surveys, but at the secondary level. In discussing the results of the 2010 National Assessment of Education Progress, he sums up findings such as “12% of 12th graders were proficient in history,” as the collective legacy of a nation whose next generation of citizens no longer has any memory of its heritage. Ill-informed and disengaged Americans are, Lowry asserts, simply a “symptom of a country engaged in a long process of erasing its memory. For decades, we have been congratulating ourselves for a broadmindedness that is really a self-destructive national amnesia.”²⁰

Columnists such as Thomas and Lowry are not alone in sounding an alarm; George F. Will and Nat Hentoff²¹ have been warning us for years, even decades, that our collective lack of knowledge and memory of our national history will lead to violations of the very principles our Founders sacrificed and even died to protect.

¹⁹ *The Advocate*, South Louisiana and Business. Saturday, June 18, 2011, 8B. Available at www.townhall.com/columnists/calthomas/2011/06/16/the-law-and-civil-liberties/print (accessed 6 August 2011).

²⁰ Rich Lowry, "A Bad Case of National Amnesia," published in *National Review*, June 17, 2011. Available at www.nationalreview.com/articles/print/269853 (accessed 6 August, 2011).

²¹ See, for example, "Hate attack on Constitution," Nat Hentoff, distributed by Newspaper Enterprise Association; published in *The Advocate*, Baton Rouge, LA 07-29-2009; and "When Schools Silence God Talk," published 8-27-2006 in *USAToday.com*. Available at http://www.usatoday.com/news/opinion/editorials/2006-08-27-god-talk_x.htm (accessed 4 January 2012).

Part II – Why the Founding?

The Founders' attempt to craft a document that allowed for both order and liberty is an amazing study of determination and hope in the face of overwhelming odds. It is remarkable that the ideas setting up our government over 200 years ago still guide us today. Or do they? A common complaint of students is that studying the origins of U. S. government has no bearing on how we live today. In fact, many students are taught, either directly or indirectly, that government has been severed from its origins. If textbooks mention the Founding at all, many gloss over it in a page or two and then jump into "Your Rights and Liberties," as though these appeared out of thin air. At best, studying the Founding is an exercise in nostalgia; at worst, it is a hindrance blocking progressive movement.

But Donald Lutz, in *Origins of American Constitutionalism*, writes that we need to teach the Founding because the document that began it, the Declaration, and the document it culminated in, the Constitution, are critical in determining a standard by which to measure ourselves. A constitution, he writes, defines "a way of life" because "it contains the essential political commitments of a people and is a collective, public expression of particular importance" that "amounts to a comprehensive picture of a people at a given time." By careful and proper reading, a nation's constitution can reveal "the balance of political forces, a structure for preserving or enhancing that balance, a statement of the way people should treat each other, and the values that form the basis for the people's working relationship, as well as the serious, remaining problems in the political order."²²

This is a good place to start when developing a unit on the Founding that will set the structure and tone for a semester or year-long course on American government. The never-

²² Lutz, 3.

ending tension between establishing order while allowing for the most individual liberty illustrates Lutz's "balance of political forces." The idea that individual liberty has no meaning without an ordered society is behind the seemingly paradoxical phrase "ordered liberty." The "structure for preserving or enhancing that balance" is seen in the structure of both the Constitution itself and the government it created, with its careful separation of powers enhanced by the working relationship of the three branches of government. The preamble offers a concise statement of "the values that form the basis for the people's working relationship," while the enumerated powers, restrictions, and liberties contained in both the body of the Constitution and the Bill of Rights are nothing if not "a statement of the way people should treat each other." In order to understand "the serious, remaining problems in the political order," a course in American government would necessarily address the compromises (three-fifth clause, fugitive slave clause, and the delay in the non-importation of slaves) as well as the exclusions of the Constitution (women, Native Americans, a clear definition of citizenship), both at the Constitutional Convention and at the ratification of the Bill of Rights.

One lesson that can be learned from a study of the Constitution is that a government can be formed that secures rights and represents popular government even if it does not solve or address every problem – past, present, and future – at the moment of its creation. An example that illustrates all the elements Lutz details – the tension between societal order and individual liberty (the first requires individual responsibility; the second must be tempered by how people should treat each other), and how a nation's constitution stands as a witness to the values of a people can be found in a study of the right to free speech. Once students have a practical and historical understanding of why and how the right to free speech was guaranteed

in the Bill of Rights as amended to the Constitution in 1791, teachers can then show the working out over time of how that right has been restricted and expanded by the Supreme Court, itself a creation of the Constitution. Justice Oliver Wendell Holmes' decision in *Schenck v. United States* (1919) illustrates a restriction because of a corresponding responsibility: "The character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic."²³ Free speech, a cherished American right, is not an absolute right. With every right comes responsibility (the Founders might have said a duty); at times individual rights can be restricted to protect or achieve order. A later Court decision, *Tinker v. Des Moines* (1969) illustrates a broadening of free speech to include symbolic speech, but there is still a corresponding responsibility.²⁴ In this case the Court expanded the definition of speech to include "nonverbal gestures and actions."²⁵ Both cases can be seen as an example of a country struggling to establish how its citizens are to treat each other, as Lutz' formulation requires. No one individual has the right to do anything that might bring harm to another individual (or many people, as in the crowded theater example), even though individual liberties may be restricted by having to obey this injunction. In *Tinker*, the same idea is presented, but from a different perspective: individual people (including high school students) do have the right to express their views symbolically, as long as the method they choose to do so does not violate the rights of other individuals (in this case, the rights of schools to teach and students to learn).

²³ *Schenck v. United States*, 247 U.S. 47 (1919)

²⁴ *Tinker v. Des Moines*, 393 U.S. 503 (1969). This was not the first Court decision protecting symbolic speech; see *Stromberg v. California*, 283 U.S. 359, 51 S. Ct. 532, 75 L. Ed. 1117 (1931) and *United States v. O'Brien*, 391 U.S. 367, 88 S. Ct. 1673, 20 L. Ed. 2d 672 (1968), but it is one that most high school students are required to learn.

²⁵ <http://legal-dictionary.thefreedictionary.com/Symbolic+Speech>

Dr. Lutz shifts focus to present his findings about the philosophical ideas behind the Founding. While many high school and college textbooks credit Locke and Montesquieu, or British and Enlightenment thought as crucial influences on the Founding, Dr. Lutz argues that stronger influences were Judeo-Christian traditions, seventeenth-century colonial documents (including colonial charters and political covenants and compacts), state constitutions, and American pamphlets and newspapers of the Founding Era. His thesis centers on the idea that the American constitutional tradition began with the people and the documents they produced in America in the early 1600s,²⁶ rather than with the more commonly held view that it derived from English Common Law, the British Constitution, or John Locke's theory of Natural Right: "Americans are the heirs of a constitutional tradition that was mature by the time of the national Constitution. Derived in part from English constitutional theory and practice, American constitutionalism is nevertheless distinct from that tradition."²⁷ Crucial to his argument that American constitutionalism is more accurately seen as the result of colonial experiences in practical governing than a reflection of European or Enlightenment ideas is his theory of a common sense of community that was part of our colonial and revolutionary eras. As evidence of that sense of community, Lutz offers a comparison of two key components of colonial settlements – covenants and compacts: "Both were based upon the consent of those involved, created a community of some sort, and implied a relationship that was stronger, deeper, and more comprehensive than that established by a contract."²⁸ Even as he explains our initial Founding's reliance on community, he asserts that we have lost that sense of community that was evident in 1776 and 1787. If today's students don't feel a sense of being

²⁶ Lutz, 7.

²⁷ Lutz, 5.

²⁸ Lutz, 18.

a part of a national community, it may be because we have failed to pass on the uniqueness of our origins. For the purposes of teaching the Founding, there can be no better questions to begin with than "As Americans, who are we, and who do we want to be?"

Dr. Lutz asserts that American Constitutionalism was chiefly influenced by the experiences of the colonists from 1607 to 1776; however, he also admits that there were other influences on the Founding generation. While the government they created was new, it was also built from the philosophical and historical traditions of Western Civilization. The Founders studied the philosophies, histories, and literature of ancient Greece and Rome. They were students of English history and law, and they lived at a time and culture when the Bible and its teachings were studied and accepted. For today's students to understand the history and government they have inherited there is no better place to start than with what America's Founders believed were the necessary components for creating a government "of the people, by the people, and for the people."²⁹

This project presents the ideas, the people, and the events the Founders studied as they searched for the best way to build a new nation, so that teachers may better show how those ideas, people, and events are still relevant today. Many of the debates we still have in modern politics originated in either the Founding itself, or in the ancient and modern ideas the Founders studied. At the heart of what the Founders were trying to do was to fashion a government strong enough to handle the exigencies of their times while building a foundation to which future generations could look for stability and guidance in areas the Founders could not foresee. They were able to do this because they understood that while the times and circumstances would most certainly change, the nature of man would not.

²⁹As described by Abraham Lincoln in *The Gettysburg Address*, November, 1863.

Learning from the Founding Generation

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made, and a wrong election on the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.³⁰

These words were part of a debate which led to the writing and ratification of the U.S. Constitution. The Founders were of the decided opinion that their society, that of 1787 America, really was capable of deliberating on and choosing the best way to fashion a government, and they set out to persuade their fellow Americans to their view. The Founders viewed man as fallen or flawed, but still capable of self-government. Their own reflection and choice convinced them that self-government was possible, but they understood that for such a government to succeed, it would require virtuous citizens, committed to democratic republicanism and individual responsibility.

The Founders' system, a republic, or a representative democracy, was thought best because it allowed for the voice of the people to be heard while tempering their passions. They argued for individual self-control or self-government, but they also set up a government with a system of checks and balances to curb the worst abuses of man before they went too far. The Founders were careful to set the government up this way specifically because of their understanding of the nature of man, as reflected in James Madison's words:

³⁰ Alexander Hamilton, *The Federalist Papers*, #1. Clinton Rossiter, Editor. New York: Penguin Group, 2003, 27.

It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary...A dependence on the people is, no doubt, the primary control on the government, but experience has taught mankind the necessity of auxiliary precautions.³¹

Those auxiliary precautions can be found in the principles of American constitutional government. That is, to protect the self-evident truths of the Declaration, including equality and the unalienable rights given to man by God of life, liberty, and the pursuit of happiness, the Constitution both establishes a government and provides safeguards from abuse by that government, which, after all, would be composed of "We the People."

In looking at the Founding generation as they set out to declare and win independence and then to create and establish a new government, it makes sense to begin with the historical evidence of the American Revolution. According to Edmund Morgan, in *The Birth of the Republic, 1763-89*, the Revolution is the story of a search for common principles upon which Americans could both justify their resistance and give meaning to their existence as a new and independent nation. He details the events that took place while also explaining the thoughts of those working to give voice to these as yet unstated principles. For example, he writes that the resolutions and physical resistance of the colonists to the Stamp Act "both bespeak a long-standing belief that was merely awaiting utterance, but the utterance was itself an event of the first importance of inaugurating the American search for principle."³²

In other words, Morgan asserts that while the events leading to the American Revolution created a need for a coherent statement of common principles, the ideas behind the

³¹ James Madison, Federalist #51, in Rossiter, 319.

³² Edmund S. Morgan. *The Birth of the Republic, 1763-89*. Chicago: University of Chicago, 1992, 23-24

principles themselves had been in the minds of the colonists long before the events occurred. In this respect, the Revolution was both a consequence of and a cause for Americans' search for and articulation of constitutional principles, which they announced in the Declaration and incorporated into state constitutions and later the U.S. Constitution. Here we see the first evidence that the Founders would use reflection and choice to determine their next move. They reflected on the options available to them, and then they chose independence, knowing full well that it could cost them their very lives.

The next logical step in a study of the Founding is the Declaration. Dr. Mortimer J. Adler and William Gorman, in *The American Testament*, propose that the Declaration, the U.S. Constitution, and the Gettysburg Address constitute an "American Testament" that attests to an "American idea" "born out of sustained argument and grave political deliberation which committed this nation to a coherent political doctrine."³³ In order to ascertain exactly what that coherent political doctrine was or is, and more importantly, according to the authors, whether it was true, one must study the documents in themselves. Their exegetical study of the three documents aims to get at the truth in the documents, which requires, at the outset, acceptance of an underlying assumption – that the three documents "contain basic truths to be ferreted out by the most careful explication of the meaning implicit in the words of the text."³⁴ Adler and Gorman assert that Western thought, from its beginnings, believed that truths about "the nature of man, about natural rights, and about the purpose of government could be discovered and affirmed."³⁵ By carefully examining the texts and the meanings of the words, Adler and Gorman assert that the philosophical truths of the Declaration were put into

³³ Adler and Gorman, 9.

³⁴ Adler and Gorman, 11.

³⁵ Adler and Gorman, 29.

constitutional law in the Constitution. Admitting that to see the truth and even to embody the truth in legal text does not mean that we live the truth, the writers turn to the third document of their American Testament, the Gettysburg Address, to show that those self-evident truths had to be worked out by the people who claimed them for themselves.

In contrast to Adler and Gorman, as well as Morgan, Professor Pauline Maier, in *American Scripture: Making the Declaration of Independence*, argues that the Declaration, a work of a committee of five and then Congress (so not solely the work of Thomas Jefferson) had a functional purpose: letting the world know the colonies were separating from Great Britain. She asserts that once that function had been performed, the Declaration was “all but forgotten” until it was “remade into a sacred text, a statement of basic, enduring truths.”³⁶ In her search to find out how and why the Declaration became a set of basic principles that set a standard of measurement for establishing a society, Maier argues that once the revolution had commenced, the Declaration was not in the minds of any Americans until it was brought into the partisan battles between the Federalists and the Republicans in the 1790s. It remained in the background of American political life until the 1820s, and finally gained its status as “American Scripture” after its rebirth in the hands of Abraham Lincoln, in the late 1850s. In Maier’s account the Declaration was not “an expression of the American mind,” when it was written, but it became that over time. In other words, Americans, after the fact, have made the document into what it claimed to be.

However, there is reason to suspect the Declaration was not quite out of the minds of all Americans. The Massachusetts Constitution of March 2, 1780, repeats key Declaration ideas: “All men are born free and equal, and have certain natural, essential, and unalienable

³⁶ Maier. xviii.

rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.”³⁷ Also in 1780, Reverend Samuel Cooper, a Boston minister, used the principles of the Declaration in a sermon where he compared the prophecy of Jeremiah 30:21-22 (“Their Congregation shall be established before me: and their Nobles shall be of themselves, and their Governor shall proceed from the midst of them”) to the struggles of the Americans in the Revolution. After comparing the “wilderness wanderings” of the early colonists to those of the Israelites, Reverend Cooper writes:

... We want not, indeed, a special revelation from heaven to teach us that men are born equal and free; that no man has a natural claim of dominion over his neighbors, nor one nation of any such claim upon another; and that as government is only the administration of the affairs of a number of men combined for their own security and happiness, such a society have a right freely to determine by whom and in what manner their own affairs shall be administered. These are the plain dictates of that reason and common sense with which the common parent of men has informed the human bosom. It is, however, a satisfaction to observe such everlasting maxims of equity confirmed, and impressed upon the consciences of men, by the instructions, precepts, and examples given us in the sacred oracles...

... Neither does time allow, nor circumstances require, that I should enter into a detail of all the principles and arguments upon which the right of our present establishment is grounded. They are known to all the world; they are to be found in the immortal writings of Sidney and Locke, and other glorious defenders of human nature; they are also to be found, not dishonored, in the acts and publications of America on this great occasion, which have the approbation and applause of the wise and impartial among mankind, and even in Britain itself: They are the principles upon which her own government and her own revolution under William the third were founded; principles which brutal force may oppose, but which reason and scripture will forever sanctify...³⁸

³⁷ Massachusetts Constitution, March 2, 1780. Available at <http://www.teachingamericanhistory.org/library/index.asp?document=266> (accessed 9 April 2012).

³⁸ Samuel Cooper, “A Sermon on the Day of the Commencement of the Constitution,” 25 October, 1780. Available at <http://teachingamericanhistory.org/library/index.asp?document=598> (accessed 10 April 2012).

In this sermon, given during the Revolution, not only does Cooper make it clear that the Declaration has not been forgotten, he also lays out four of the five influences on the Founders: Judeo-Christian thought (as evidenced by Scripture), English Constitutionalism (principles under William the third), Early Liberalism (Sidney, Locke, natural rights theory, Scottish Enlightenment – reason and common sense), and Colonial Experience (acts and publications of America). The only influence not specifically mentioned here is that of Classical Republicanism, although the concept of republicanism, or government by the people, can be inferred from his words, as can the idea that civic and moral duties must be taught to future generations for a republic to survive.

That the principles of the Declaration were not quite forgotten can be seen in at least one other important American document: the U.S. Constitution. The grievances listed as justification for breaking away from Great Britain in the Declaration are each specifically addressed in the Constitution of 1787 or the Bill of Rights of 1791. So from at least 1776 to 1791, the Declaration was still in the minds of a few thinking Americans.

Even as she makes her argument that the Declaration served only a functional purpose and was forgotten once that function was accomplished, Professor Maier almost undercuts it. In her Introduction, Maier writes:

I have no doubt that political ideology was critical to the American Revolution...however, the historical significance of the Declaration did not lie in the principles it stated except insofar as it restated what virtually all Americans—patriot and loyalists alike—thought and said in other words and other places.³⁹

Is it really necessary to argue that the Declaration was all but forgotten for a few decades that involved finishing the War and then creating and establishing both a Constitution and the

³⁹ Maier, xvi-xvii.

government it created? The fact that men in the 1790s through the 1820s, as Maier asserts, began to use the Declaration to further political ideas and goals means at least that they knew what the document said. One can agree with Maier that worship of either the Declaration or the Constitution falls under the category of idolatry without conceding that they have no other historical significance than announcing our separation from Britain.

Maier argues that the Declaration served a largely functional purpose, in part, at least from the perspective of this writer, because of what she feels is an unnatural veneration of the parchment itself. Perhaps there is another way of looking at the Declaration. Instead of according to the Declaration a veneration best reserved to things not of this world, Dr. James R. Stoner writes:

We can accept a few basic political principles that undergird our constitutional order without having to insist on an orthodoxy of first principles. We can hold the self-evident truths to be self-evidently true precisely because the principles they articulate do not offer a comprehensive account of human life... Let us hold, then, to the principles of the Declaration as constitutive of our fundamental law, but let us not mistake them as adequate to every exigency in our personal, our religious, or even our political lives. Political philosophy of different sorts influenced the Declaration, but the Declaration itself is not, nor was it meant to be, a philosophical text. That by its terms it points us beyond itself, to political philosophy and to other things, is no small measure of its greatness and no little element of its success.⁴⁰

Dr. Maier seems to be arguing that Americans' worship of the Declaration borders on an idolatry that makes her uncomfortable and that most Americans, believers or not, would find offensive. Dr. Stoner's position, that the Declaration, while holding a special place in American history and political thought, was never intended to be an overarching solution to the problems "in our personal, our religious, or even our political lives," allows room for Adler and Gorman's interpretation as well as for Maier's.

⁴⁰ Stoner, 10

The next place to focus in a study of the Founding Era is on the Constitution itself, and its first addendum, the Bill of Rights. Two factions developed almost before the Constitutional Convention began. Federalists, a little quicker on their feet, supported ratification of the Constitution, while Anti-Federalists did not. Both sides believed in republicanism – limited government by representatives receiving power directly or indirectly from the people. All, the representatives and the people, would be governed by the rule of law. Both sides had studied ancient and modern thinkers, and both sides now used those ideas to support their arguments. Anti-Federalists’ studies of Classical Republicanism led them to believe that a republic could only work in a small territory where people share similar values and interests, and where their representatives know and agree with those values and interests. They doubted that a single government could extend over the whole large and diverse territory of the United States. They also feared consolidation because it opened the possibility of unlimited power to a general government that would then swallow up the states.

The Federalists tried to address these concerns by building on the ideas of ancient and modern thinkers; they introduced a “new science” of government. Madison addressed the Anti-Federalists’ insistence that republican government required a small territory and that fair and accurate representation could not occur in a diverse population by honing in on the differences between a pure democracy, where a small number of citizens govern in person and which cannot solve the problem of factions, and a republic, where the people choose their representatives and which at least holds a promise of controlling the effects of faction.⁴¹ These differences, Madison pointed out, can result in a successful republic. Representatives chosen by the people can “refine and enlarge the public views by passing them through the

⁴¹ Madison, #10, in Rossiter, 76.

medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”⁴²

However, Federalists and Anti-Federalists agreed that elected representatives can also be selfish and divisive men who favor their own local interests over that of the whole country, or who seek their own personal desires over the wishes of their constituents. That agreement was based on the common understanding of man’s nature, and is clearly articulated by Madison: “Enlightened statesmen will not always be at the helm.”⁴³ The solution to the problem of factious representation is to “enlarge the sphere,” because “extensive republics are most favorable to the election of proper guardians of the public weal.” The Constitution provides a middle ground between the dangers of enlarging the sphere so much that there are so many representatives that they do not even know the people back home and making the number of representatives so small as to render them “unduly attached” to their local interests, and therefore unable to “comprehend and pursue great and national objects.”⁴⁴ A larger republic offers greater safeguards because it will “take in a greater variety of parties and interests” and make it more unlikely “that a majority of the whole will have a common motive to invade the rights of other citizens.”⁴⁵

Herbert J. Storing explains in *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution*, that while Federalists may have won the battle over ratification, Anti-Federalists gave voice to legitimate concerns that we still grapple with today. Storing concedes that the Anti-Federalists lost the debate because they were not

⁴² Madison, #10, in Rossiter, 76.

⁴³ Madison #10, in Rossiter, 75.

⁴⁴ Madison, #10, in Rossiter, 77.

⁴⁵ Madison, #10, in Rossiter, 78.

unified; the only issue they all agreed on was their strong opposition to the Constitution. But he also asserts that their arguments in themselves actually helped fashion a better government, and for this contribution, Anti-Federalists should be included with the Federalists as our Founders. For example, Anti-Federalists argued for small republican state governments, in part because of their fear that the Constitution would strengthen the tendency of men to detach themselves from their communities (Professor Lutz's "loss of community"), a fear that that one could argue has been fulfilled over the course of our history. Federalist assumptions such as "one republican government over the whole United States was unavoidable, despite serious disadvantages," were at least mitigated by Anti-Federalist arguments that served "the practical purpose of revealing and helping to minimize these disadvantages."⁴⁶ Anti-Federalists believed that small state governments would restrain this tendency of men to lose their sense of community, while Federalists had confidence that the Constitution itself would. While the Anti-Federalists may have indeed lost the debate, they had the last word, in effect, with the ratification of the Bill of Rights.

Teaching Today's Generation

Teachers are responsible for passing civic knowledge on to their students. The best way to do this is through a rigorous study of the Founding with a focus on its seminal documents. But why is it important to teach the events, ideas and intentions behind the Founding to high school students? While there are many possible answers to this question, I want to propose five. One, the Founding provides a standard – a shared community standard by which we hold ourselves and each other accountable. The Founding documents provide an

⁴⁶ Herbert J. Storing. *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution*. Chicago: University of Chicago, 1981, 16.

understanding of who we *are* as Americans as well as a source of authority *for* Americans. It is important to present a clear picture of who we were, including our flaws, in order to understand who we are today. The Constitution was a compromise between different men, different regions, and different goals, and there were unfinished elements that were not solved until long after the Constitutional Convention. Only by understanding how and why those compromises were made in the first place can we come to understand our shared history. And only by knowing and understanding our shared history can we work to continue to “create a more perfect union.”

The second reason for teaching the Founding and its documents to high school students is that Constitution is the law – Article Six asserts that it is the “supreme law of the land.” It remains in effect and it is the law; students certainly need to be aware of it, if for no other reason than not finding themselves on the wrong side of it. The third reason is closely related to the second: the Constitution establishes and explains how our government functions. Knowledge of it is necessary to understand the process of government. The place to begin acquiring that knowledge is with the Founding and its documents being taught, in depth, in secondary schools. College courses in American government and/or the Constitution are excellent ways to continue a vitally necessary civic education, but not everyone who graduates from high school will go on to college. However, they will have the right and responsibility to vote and to participate in our government. It benefits society as a whole when individual citizens are educated about our republican form of government.

A fourth reason for teaching the Founding to high school students is that the Founding is a great example of *a* founding. It presents a clear example of choice – of a people choosing to govern themselves. It may be an example that other countries choose not to follow, but

even then it would have value as an example of what not to do. Lastly, today's students will have to make their own choices about whether to sustain and advance the Founders' choice, or to create and establish something different. The Founders chose to set up a government with a system of checks and balances, limited power, and as much individual freedom as a community of people could have and still exist as a social community. As the Founders studied and debated the ideas of several streams of philosophical thought in creating and developing the "American mind" and then created and developed a new nation, today's students will have to channel their energies into the national community. To do that, they need to be educated about the history, development, and function of the government that has been handed down to them.

While there can be no perfect government, as there are no perfect people, the Founders tried to create a government upon which future Americans could build on the promise of a self-governing people to "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the Blessings of Liberty." The key to knowing if our government is continuing in that promise is for us to know the events, ideas, and intentions behind the Founding, as well as what the Founding documents actually say and what those words mean so that we can participate in government with informed consent.

Part III – How Do We Teach It?

Unit Introduction

This unit is intended to provide the background information, student materials, answer keys and lesson plans so that teachers will have the tools from which to build their own classroom study of the Founding and its documents. This three-part unit is designed to help students understand both the philosophical and practical nature of the Declaration, and how those principles and practical considerations were addressed in the Constitution.

While this three-week unit is not intended to cover the Revolution itself, it does begin with the events and ideas that led to the Revolution in order to help students of American government understand the events of the Revolutionary Era and their connection to our Founding documents. The unit focuses on the Declaration and the Constitution, but it is assumed that teachers will incorporate other Founding documents (such as the Articles of Confederation, the Northwest Ordinance, or one or two of *The Federalist Papers*) into their classroom discussion and homework reading assignments. The unit culminates with students connecting the grievances of the Declaration to the remedies for them in the Constitution; the assumption is that there will be a continued and in-depth study of the Constitution itself, as well as a study of how the Constitution works today. The ultimate goal is to help students to understand the significance of the Founding and the documents that ushered the United States into being. The unit consists of three lessons to begin after a study or review of the French and Indian War.

Three weeks spent on this foundational unit is quite reasonable in a year-long course. However, the unit is easily adaptable to a shorter time frame by making some of the assignments group work and/or take-home assignments. I have placed within each part of

this unit the charts and assignments that I believe are important to help students understand the connections between our Founding documents, Founding era, and why our government works as it does. In the “Appendix Material” section, I have included additional charts and aids that teachers may include if they have the time (if not used for students, they will at least provide valuable resources for teachers). While some of these assignments were designed with a course of American Government in mind, they are easily adaptable to American history. For example, if used in an American history course, the teacher would use Lessons One and Two after the French and Indian War, then teach the Revolutionary War. Next to be covered would be the “Critical Period” – the country under the Articles of Confederation, which would naturally lead to a study of why the Constitutional Convention was called and the debates, ratification, and putting into practice the Constitution itself. And here the teacher could conclude with Lesson Three, which brings together all three of the lessons.

In Lesson One, “A Long Train of Abuses and Usurpations,” students trace the acts of King George and Parliament, the colonists’ responses to these acts, and then England’s reactions to the colonists. This activity begins by briefly reviewing the consequences of the French and Indian War and ends with students completing a chart that shows how the actions of Britain and the colonists’ reactions led to the Declaration of Independence. Their research here will help them in completing the culminating chart in Lesson Three.

In Lesson Two, “We Hold These Truths to be Self-Evident,” students learn about the drafting and signing of the Declaration, and through a close reading of the preamble and introduction, understand the purpose of the document and the philosophical ideas behind it. The focus here is on the influences on the Founders and how those influences can be seen in

the text of the Declaration, including those of Classical Republicanism, the Judeo-Christian worldview, English Constitutionalism, Early Liberalism, and Colonial Experiences.

In Lesson Three, “That to Secure These Rights, Governments are Instituted Among Men,” students will analyze and evaluate the connection between the Declaration and the Constitution by connecting the 27 grievances of the colonists as listed in the Declaration to the acts of king or parliament that produced them, and then finding the provision in the Constitution that remedies the grievance.

Background information for the Teacher

The seeds of American independence can be traced back as far as the landing of the Pilgrims at Plymouth in the Mayflower Compact and the first colonial legislative body in the Virginia House of Burgesses (1619). At every crossroad in our history, a choice was made. The choices that were made – to declare independence, go to war with Britain, or establish a new government – were not inevitable, although from our vantage point, it might seem as though they were. While Britain made efforts to tighten its control over the colonies on several occasions before the 1760s with the Navigation Acts, conflicts in Britain, a long tradition of strong local governments and weak central power, as well as Britain’s lack of the resources and bureaucracy to enforce its wishes, contributed to what historians would later label a policy of salutary neglect. Most colonists were proud to be British subjects; they recognized the authority of the king and Parliament without being forced to, and the colonies prospered economically without Britain’s interference. The colonies’ prosperity, of course,

also benefited Britain. Britain's continual choice of a "hands-off" approach left the colonies alone to govern themselves for almost 150 years.

This changed with the end of the French and Indian War. Aside from leaving Britain deeply in debt, the war led the colonists to examine their own relationship with Britain. The British felt the colonists had not provided enough support in money and manpower for the long war that they fought on behalf of the colonists. The colonists lost respect for British military power, and they felt the British did not share their values or treat them with respect.

Deep in debt after the war, Britain felt justified in taxing the colonists to help pay off the debt and the expenses of maintaining an army in the colonies. Instead of the accustomed policy of salutary neglect, the British began to pass a series of direct taxes on the colonists, thus bypassing the colonial legislatures that had been operating for over a century. In 1764 the Sugar Act was passed, which placed tariffs on sugar, coffee, wine and other items that the colonists imported. The Sugar Act also cut the duty on molasses in half as an incentive to reduce smuggling. Smuggling cases would now be tried in British rather than colonial courts, and by a judge alone, not a jury.

This was the beginning of what the Declaration would later call a "long train of abuses," long years of British taxes and restrictions, colonists' reactions to the taxes, and then Britain's reactions to the colonists. Some examples: When the British imposed the Stamp Act of 1765, colonists' responded with the Stamp Act Congress. Britain then passed the Declaratory Act of 1766, which repealed the Stamp Act but insisted that England had the right to rule the colonies. The British tried again with the Townshend Acts of 1767; this time colonists' responses included "Letters from a Farmer in Pennsylvania" and resumption of the boycott, which cut trade in half. When Britain tried to help the East India Tea Company with

the Tea Act of 1773, the colonists' response of the Boston Tea Party led to the Intolerable Acts of 1774, which in turn resulted in the First Continental Congress and a petition to the king.

When the king refused the colonists' Olive Branch Petition, the Congress decided it was time to cut ties with Britain. Lesson One offers teachers the opportunity to set the stage for a close study of the Declaration and the Constitution by reviewing the events leading up to the colonies' break from Britain. Students will organize all of the events, acts, and reactions into a chart to help them see what the colonists viewed as usurpations of power on the part of the King and Parliament.

Lesson Two focuses on the philosophical ideas found in the Declaration of Independence, which includes ideas from Classical Republicanism, Judeo-Christian thought, English Constitutionalism, Early Liberalism, and their own colonial experience. Students will look closely at what the Founders studied as they searched for the best way to justify their break with Britain and then set up a new form of government. Many of these ideas have already been discussed; there is also a detailed chart in the Appendix for easy reference. Here I will simply sketch out the five categories of thought.

From Classical Republicanism, the Founders learned that people need society both to survive and to prosper. They admired the ancients' devotion to community and their belief that those who govern must be wise and trustworthy. The function of government was to help people learn and practice their civic and moral obligations; to create and continue good government required virtuous leaders *and* citizens. The Founders were also cautious in their praise of ancient democracies because their research convinced them that while democracies began well, they tended to end in tyranny.

The Founders took the Classical Republican idea of a duty to the polis and modified it with the Judeo-Christian idea of the inherent worth of each individual and the Natural Law tradition. While they agreed that a duty to the common good was critical to the development of the new nation, they also recognized that individuals had rights that needed protection. Natural Law supposed a law existed outside of human will and reason. Accordingly, laws are made because some things are wrong, as opposed to making something wrong by making a law against it. Their view of human nature, which came from their Judeo-Christian view of the world, held that man was capable of both good and evil. This recognition led them to create a government that both separated and checked the powers of each institution (legislative, executive, judicial), as well as it allowed the people to both check the government and to be checked before their passions overwhelmed their reason. As Madison explains in Federalist 51: “In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”⁴⁷

The Founders traced a gradual increase in the protection of individual rights and the rule of law from the idea of an ancient constitution (from “time immemorial,” or before the laws of Edward the Confessor), and specifically from King Henry I’s Charter of Liberties issued in 1100 through the English Bill of Rights in 1689 in their study of English history. From the Common Law tradition came the idea of stability in the law (*stare decisis*), and the value of tradition and custom. This is also the origin of the idea of the “rights of Englishmen” that the colonists would call upon in the beginning of the conflict with Great Britain.

From Early Liberalism the Founders incorporated the idea that the purpose of

⁴⁷ Madison, Federalist #51, in Rossiter, 319.

government was to secure people's lives, liberties, and property. The idea of a "mixed" government where elements of monarchy, oligarchy, and democracy were joined together so that all of the people are represented was picked up from Montesquieu (though Cicero had written about this earlier), as well as the separation of powers. The Social Contract Theory, championed by both Thomas Hobbes and John Locke, was the idea that people give up some of their freedoms in a "state of nature" to a central power that will then protect their lives, liberties, and estates.

From their own colonial history and experience, the Founders knew what it meant to govern themselves; after all, the colonies had one hundred and fifty years of virtual self-government. Up to this point, the colonists had claimed their rights as Englishmen when they petitioned the king; now they based their right to be independent on Locke's concept of a social contract with a corresponding right of revolution (the king no longer acted in the best interest of its colonies, so the people had a right to replace the king), natural rights ("inalienable rights to life, liberty, and pursuit of happiness"), rights that all humans are born with that cannot be taken away legitimately, and natural law (those natural rights come before society, and according to the Declaration, they are given by a "Creator" and not by men or governments).

Lesson Three is designed to help students see the practical connection between the Declaration of Independence and the U.S. Constitution and the Bill of Rights. The biggest part of the Declaration lists 27 "wrongs" committed by the king. Those "wrongs" are addressed in the Constitution, which lays out the framework for a government that tries to provide "remedies" to prevent the same abuses from occurring again. How we got from the Declaration to the Constitution is an interesting story in itself, but for the purposes of a government class, a quick review will suffice.

Before declaring independence, the Continental Congress asked the states to establish individual state governments. The states began writing their own constitutions and the Continental Congress began writing the Articles of Confederation to link the thirteen states together. Most states limited the power and authority of the executive branch; instead, based on their mistrust of the King and his royal governors, they favored strong legislatures. However, this brought problems of a different kind; it was not long before Americans learned that unchecked legislatures (representatives of the people) could be as unscrupulous and tyrannical as unchecked kings or executives. Massachusetts developed a constitutional convention and ratification process that made their constitution fundamental law; that is, Massachusetts' constitution had the power and authority to limit both executive and legislatures, and it could only be changed by the ratification process. John Adams' Massachusetts constitution divided power between executive, legislative, and judicial branches, and then further divided the legislature into two separate houses, placing an additional check on its power. This state constitution would be a model for the later United States Constitution.

While the Articles of Confederation, written by the Continental Congress in 1777 and ratified by the thirteen states in 1781, did successfully pull the colonies together long enough to win the War with Britain, its shortcomings soon became obvious. The thirteen states kept their sovereignty and the right to govern themselves, but the Congress created by the Articles had no power to make any laws directly affecting the citizens of the states. It could not tax, regulate commerce, or conduct foreign affairs. It could not borrow money, which impaired its ability to trade in international markets. Congress also had no power to stop the violence that was occurring in the states between creditors and debtors after the War.

On September 11, 1786, five states sent delegates to Annapolis, Maryland to discuss commercial interests, including trade regulation. Because nothing could be accomplished with so few representatives, the delegates decided to issue a report to the individual state legislatures and to Congress. The delegates realized they could not separate the issues of commerce and trade regulation from politics, so their report specifically asked permission to meet the following year in Philadelphia with the express purpose of strengthening the Articles. When Shay's Rebellion erupted in Massachusetts in the winter of 1786, the lack of power on the part of the central government to stop domestic violence confirmed that a stronger central government was necessary.

James Madison worked hard to get George Washington to attend the Philadelphia meeting, because he knew that Washington's reputation would give the gathering the authority it needed to be successful. The first order of business was to decide that they were not there to amend the Articles, but instead were there to abolish them and create an entirely new form of government. The Virginia Plan, which did exactly that, was a shock to many of the delegates. Once they recovered, the small states offered an alternate idea, the New Jersey Plan, which simply amended the Articles. After four months of debate and compromise, amid threats from small states to walk out over the issue of representation and southern states threatening to walk out over the issue of slavery, the delegates finally hammered out a constitution that created a true union of United States. While all 12 of the states represented signed the Constitution in a unanimous show of solidarity, there were men who left the Convention without signing.

Now the signed Constitution had to be ratified by conventions called for that purpose in each state, and the battle almost began anew between Federalists and Anti-federalists. Both

sides published their arguments in newspapers, hoping to persuade the people to their side. Four small states and Pennsylvania ratified immediately, but Massachusetts held back. Anti-Federalists there controlled the ratification process, and they insisted on the addition of a Bill of Rights. Massachusetts finally ratified when Federalists committed to adding a Bill of Rights as the first order of business of the first Congress called under the Constitution. Once Massachusetts ratified, it was only a matter of time before the other states did, although New York had to be helped along by the arguments of Publius (John Jay, James Madison, and Alexander Hamilton) in *The Federalist Papers*.

Madison, as part of the first Congress to meet under the authority of the new Constitution, fulfilled the Federalists' promise by proposing that a "declaration" of rights be placed within the Constitution itself, as a prefix, or preamble, to the document (as was common in state constitutions). In his own words:

The amendments which have occurred to me, proper to be recommended by Congress to the State Legislatures, are these: First, that there be prefixed to the constitution a declaration, that all power is originally rested and consequently derived from, the people. That government is instituted and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and generally of pursuing and obtaining happiness and safety. That the people have an indubitable, unalienable, and inalienable right to reform or change the Government, whenever it be found adverse or inadequate to the purposes of its institution.⁴⁸

Congress did not agree to insert a Declaration into the Constitution, but ten amendments were approved, ratified by the states in 1791, and added to the Constitution of 1787 as an addendum.

⁴⁸ James Madison, introduction of a Bill of Rights to Congress, presented to Congress June 8, 1789, 3. Available at <http://www.usconstitution.net/madisonbor.html> (accessed July 21, 2012).

While students should clearly see the practical connection between the Declaration and the Constitution, in that the Constitution in fact answers the grievances of the Declaration, it is also important to point out the philosophical connection between the two documents. W.B. Allen argues that “the Declaration requires limited, constitutional union,” and “the Constitution requires the principal of equality founded in laws of nature and creation.”⁴⁹ In order to keep liberty and equality, two primary assertions of the Declaration, government must be limited and constitutional, and in turn, limited and constitutional government requires the foundation of the Declaration. Allen claims that the Declaration should be read as an initial charter of government that highlights universal principles and affirms the existence of a creator and the principle of consent of the governed. The two documents together provide the “architecture of government founded in universal principles.”⁵⁰ Allen’s argument is that underlying the practical connection between the Declaration and the Constitution is the philosophical claim that since it is true that “all men are created equal” and “endowed by their Creator” with “unalienable rights to life, liberty, and property,” then consent can only be given to the creation of a limited and constitutional government, where no man is above any other, and all men are subject to the rule of law.

⁴⁹ Allen, 2.

⁵⁰ Allen, 5.

Unit Overview

Organizing Principles:

Between 1607 and 1763, the British North American colonies gained experience in, and the expectation of, self-government in the development of political, religious, economic, and social institutions. Between 1763 and 1776, British attempts to exert control over the colonies led to violent, organized, and successful resistance. The Articles of Confederation provided a reasonable and workable temporary transition from the unitary system of British rule. However, they proved not to be sufficient for the needs of the new nation, and the solution was found in the federal system established under the Constitution.

Guiding Question:

How did the consequences of the French and Indian War lead Britain to impose a series of direct taxes and restrictions on the colonies, which in turn led to the colonists' resentment and resistance of the taxes and restrictions, and finally resulted in the Declaration of Independence and the United States Constitution?

Learning Objectives

After completing this unit, students should be able to:

- Understand and describe how the actions of King George III brought about the colonists' reactions
- Identify the specific British action that brought about each grievance in the Declaration
- Understand the political philosophy behind the Declaration of Independence and the Constitution
- Explain what the Founders learned about government from history and their

- firsthand experiences of governing the colonies
- Describe the differences between classical republicanism, Judeo-Christian philosophy, English constitutionalism, early liberalism and colonial experiences and how the Founders were influenced by each
- Identify the principles found in the Declaration and the Constitution
- Analyze and articulate the remedy for each grievance in the Declaration provided by the Constitution

Teacher Preparation:

- Make copies of the student handouts in Lessons 1 - 3 for each student
- Explain to students that they will be working together in class to learn about the people, principles, and events surrounding the writing and ratification of the Declaration of Independence and the U.S. Constitution.
- The work in this unit will take place during classroom lecture/discussion of the events, and students will have assigned reading for homework each day.
- Select groups of students to work together, switching the makeup of the groups for each activity of the unit; in the largest lesson - Lesson 3, have the students begin working in groups of four.
- If computer access is available, have students use the suggested websites in addition to their textbooks and their own knowledge to fill in the charts.
- Part of the assessment for this unit is that students memorize and understand the Preamble to the Declaration (From "When in the Course of Human Events..." to "for our future security..."). To help them accomplish this I play the Declaration Medley, recorded by The Fifth Dimension for the 1976 Bicentennial Celebration of

the Declaration's signing (also found on youtube:

<http://www.youtube.com/watch?v=fQP563gKwIU>. I start this the first day of school, and play it every class period up to their first 9-weeks exam. The understanding comes from the entire unit, and most specifically in Lesson 2.

- I also use youtube when possible; for example, "It's Too Late to Apologize" is a fun music video: <http://www.youtube.com/watch?v=uZfRaWAtBVg>.

Other video that might be helpful:

- Actors reading the Declaration, with an introduction by Morgan Freeman (includes historical background and addresses the issue of slavery):

http://www.youtube.com/watch?v=jYyttEu_NLU

- Understand the Declaration: 9 Key Concepts Everyone Should Know (web seminar): <http://www.youtube.com/watch?v=cS-tshQ9sys&feature=related>

- Clip from *John Adams*:

<http://www.youtube.com/watch?v=nrvpZxMfKaU&feature=related>

- Thomas Jefferson reading his Declaration (only good for one use, but a good stress reliever):

<http://www.youtube.com/watch?v=TDGVCWSUsgA&feature=related>

- LearnMediaofAmerica.com - The Declaration of Independence (brief history)

<http://www.youtube.com/watch?v=G2IledWGhQ4&feature=related>

- School House Rock (even high school students enjoy and learn from this):

No More Kings:

<http://www.youtube.com/watch?v=p0LmYEjXNIg&feature=related>

- The Constitution:

<http://www.youtube.com/watch?v=TMyfGo-Pv58&feature=related>

- *A More Perfect Union* video website (guided viewing questions in Appendix)

<http://www.nccs.net/constitution-week/a-more-perfect-union.html>

- The National Center for Constitutional Studies offers a downloadable seminar guide as well as a recorded seminar that could be used as an introduction to the Constitution itself, either as a summer assignment, or as a separate unit to study the Constitution in depth: http://nccs.net/seminars/making_of_america_seminar_guide.pdf

Unit Assessment

Each activity contains within it checks on student understanding, and Lesson Three culminates in a chart that brings together the history, the principles, and the institutions. At the end of this Unit, students will be able to identify and explain the significance of the following:

Mercantilism	Navigation Acts	Salutary Neglect
The Sugar Act	Vice Admiralty Courts	Committees of Correspondence
Stamp Act	Stamp Act Congress	Quartering Act
Declaratory Act	Nonimportation	Boston Massacre
Townshend Acts	Tea Act	Boston Tea Party
Intolerable Acts	First Continental Congress	Lexington and Concord
Olive Branch Petition	Bunker Hill	Second Continental Congress
English Common Law	Magna Carta	The Petition of Right
English Bill of Rights	Enlightenment thought	Social Contract Theory
Natural Rights Theory	<i>Common Sense</i>	Treaty of Paris 1783
Republic	Republicanism	Declaration of Independence
Articles of Confederation	Annapolis Convention	Shay's Rebellion
The U.S. Constitution	Great Compromise	Constitutional Convention
Virginia Plan	New Jersey Plan	Checks & Balances
Slavery compromises	Amendments	Federalists
Anti-federalists	Bill of Rights	Ratification
Federalist Papers		

Culminating Assessment:

Students will address this prompt in a take-home essay:

Discuss how the events resulting from British debt at the end of the French and Indian War led to Britain's direct taxation on the colonies, to the colonists' resentment and resistance of the taxes, and finally to the writing of the Declaration of Independence and the Constitution. Using specific examples, include in your discussion how provisions of the Constitution and the Bill of Rights directly address the grievances of the Declaration.

***Additional assessments:** At two different points in the Unit, have students write out the first part of the Declaration (from "When in the course of..." and ending with "for our future security"), and then the Preamble to the Constitution.

Part IV. Unit Lesson Plans

Lesson One. “A Long Train of Abuses and Usurpations”

Introduction:

In the aftermath of the French and Indian War, Great Britain tried to recoup its financial losses by imposing taxes on the colonies. To the British, this made perfect sense: they were simply assessing the colonies to pay for Britain's defense of the colonies. The colonists, however, did not see the logic of their position at all.

Guiding Question

How did the colonists react to Britain's assertion of authority, and more importantly, why?

Background Outline for the Teacher

Review - The Great War for Empire

I. Great Britain v. France

- A. Both developed foreign empires around the world in the 17th and 18th centuries
 - 1. British American colonies emerged from an era of salutary or benign neglect to become major economic players in the empire
 - 2. Britain wanted to regulate the colonial economy through mercantilism
 - 3. Britain wanted help from the colonies against France
 - 4. While the French were less successful than the British at mobilizing its colonial resources, they were able to gain the help of Indian tribes to harass the English
- B. Colonists organize an ineffective Congress at Albany (1754)
 - 1. Delegates from 7 colonies met to coordinate policies about Westward settlement and Native Americans
 - 2. Greater purpose of Plan – to create greater colonial unity and a common defense against France
 - 3. Ben Franklin contributes a well devised plan for home rule which is
 - a. Unanimously adopted by delegates
 - b. Rejected by colonies (not enough independence)
 - c. Rejected by British (too much independence)

II. Great War for Empire

- A. French and Indian War in Colonies (1754 to 1763)
- B. Seven Years' War in Europe (1756 to 1763)

- C. Early conflicts went badly for the British
 - 1. Washington surrendered at Fort Necessity
 - 2. British force under Gen. Braddock was humiliated
 - 3. Panicky colonists organized an ineffective Congress at Albany (Albany Plan of Union)
- D. British political leadership changes reversed the course of the war
 - 1. New British generals won major victories
 - 2. Capture of Quebec
- III. Treaty of Paris (1763) - Ended the War and the French empire in the New World
- IV. Consequences of the War
 - A. Strained relations between the colonists and Britain
 - 1. British officials refuse to acknowledge American contributions to the defeat of the French
 - 2. The British belittled Americans (Washington demoted to captain)
 - 3. Resented American shippers who sold goods to the Spanish and French in West Indies while British troops were trying to starve them out
 - B. Britain borrowed huge sums of money to pay for the war
 - 1. This allowed Britain to improve their army and win, but left them deeply in debt
 - 2. Britain thought the colonists didn't help enough; after all, Britain had gone into debt to protect them
 - C. Americans felt they saved the Empire
 - 1. Americans from different colonies met for the first time and realized they had a lot in common
 - 2. The colonists lost respect for Britain's military power and realized that Britain did not share their values or respect them
 - 3. With French removed, Americans were free to move west
 - a. Indians no longer had French or Spanish allies; they had to deal directly with the British
 - b. Settlers head west over the Appalachians
 - D. Pontiac's Rebellion - 1763, Ottawa chief Pontiac led several tribes against British outposts west of the Appalachians to take Detroit
 - E. Proclamation of 1763
 - 1. British government prohibits settlement west of the Appalachians
 - a. intended to give Britain time to work out the Indian problem
 - b. Americans should pay for the troops they will need to enforce the Proclamation
 - 2. Americans see this as a slap in the face - In 1765 over 1000 wagons rolled west in defiance

Road to Revolution, or “A Long Train of Abuses”

- I. In 1763, the British Empire was the biggest in the world
 - A. Biggest debt – 140 million pounds, half from defending colonies
 - B. To pay off the debt and to re-establish control over the colonies, Britain passed a series of tax acts and regulations restricting the colonies
- II. The Acts
 - A. Sugar Act of 1764, first tax passed on colonies
 - 1. Increased duty on sugar from West Indies (cut in half the duty on molasses)
 - 2. Smuggling cases must be tried in British Courts (not in the colonies) by a judge, not a jury
 - 3. Duties eventually lowered after colonists protest
 - B. Quartering Act of 1765 - required certain colonies to provide food and housing for troops
 - 1. Colonists rebelled by refusing to comply with Quartering Act
 - 2. Felt these acts violated basic rights
 - a. Sugar and Stamp Act violators tried in admiralty courts, not by jury
 - b. Assumed guilty until proven innocent
 - c. No defense provided
 - 3. Americans didn't believe the British army needed to be there - no "standing army" in peacetime
 - 4. British Response - suspended the legislature of NY in 1767 for failing to comply
 - C. Stamp Act of 1765
 - 1. All goods must have “stamp” certifying that the tax was paid.
 - 2. Britain saw taxes as reasonable; British citizens had paid them for years
 - 3. Colonial Response: “No taxation without representation” (first uttered by James Otis)
 - 4. Grenville claimed Americans were represented in Parliament - virtual representation – all members of Parliament represent all British subjects
 - 5. Americans did not question Parliament's authority to pass legislation but wanted taxes levied by colonial assemblies
 - 6. Pushed Americans to think about political independence
 - D. Colonial Reaction to the Stamp Act
 - 1. Stamp Act Congress of 1765
 - a. 27 delegates from 9 colonies met in NYC
 - b. Petitioned the King expressing grievances
 - c. Nothing happened politically but it brought colonists together
 - d. Non-importation agreements - Americans began manufacturing their own products
 - 2. Sons of Liberty (also Daughters of Liberty)
 - a. Took law into own hands
 - b. Would tar and feather violators of non-importation

- c. Ransacked houses of stamp agents
 - d. Stamp agents resigned on day tax was to take effect
- 3. Results of Colonial Resistance:
 - a. $\frac{1}{4}$ of exports bought by Americans
 - b. $\frac{1}{2}$ of shipping went to America
 - c. Laborers put out of work demanded tax repealed
 - d. 1766, Stamp Tax repealed
 - e. Declaratory Act declared at the same time
- E. Declaratory Act of 1766 reaffirmed England's absolute sovereignty over colonies
- F. Townshend Acts of 1767 - passed by Prime Minister Charles Townsend
 - 1. taxed imports of glass, white lead, paper, paint, and tea
 - 2. Paid royal governors' salaries
- G. Colonial Response
 - 1. Americans see this as taxation without representation
 - a. Most anger is over the tax on tea
 - b. Colonists began smuggling tea from elsewhere
 - 2. Sam Adams
 - a. Master at propaganda, zealous, courageous
 - b. Believed in the common people and their rights
 - c. Organized a committee of correspondence in Boston in 1772
 - i. Spread quickly to other towns
 - ii. Function -to spread spirit of resistance by exchanging letters today this would be done by email, blogs and cell phones ☺
 - 3. Intercolonial committees came next
 - a. Virginia House of Burgesses creates committee in 1773
 - b. Soon every colony had committees
 - c. Later evolved into First Continental Congress
 - 4. "Letters from a Farmer" – John Dickinson
 - 5. British send two troop regiments to Boston in 1768
 - a. Americans resentful
 - b. March 5, 1770 – Boston Massacre
 - i. 60 people taunt Redcoats and throw snowballs
 - ii. Soldiers open fire on crowd, killing and wounding 11
 - iii. John Adams defended the British soldiers – because he believed they are entitled to a fair trial
 - 6. Non-importation agreements eventually hurt Britain enough to repeal Townsend Act, but they did not repeal the tea tax
 - 7. By 1773, nothing strong enough to cause rebellion had happened yet; Colonists even paid tea tax because British tea was cheapest
- H. Tea Act of 1773 - British East India Company had 17 million pounds of unsold tea and was facing bankruptcy
 - 1. British government gave it a monopoly over American tea business
 - 2. Americans felt tricked into paying tax with cheaper tea prices
 - 3. British insisted on enforcing the tax
 - 4. Americans revolt; no tea reaches American shores

- a. Philadelphia and NYC force ships with tea to return to England
 - b. Maryland – ships and cargo burned
 - c. Charleston – local merchants refused to take delivery
- 5. Boston – Gov. Thomas Hutchinson ordered ships to unload
 - a. Would enforce the law at all costs
 - b. Dec. 16, 1773 “Boston Tea party”
 - c. East coast colonists burned tea in support of the Tea Party
- 6. British thought only solution was tighter control
- I. Coercive Acts/Intolerable Acts of 1774 - Parliament passed a series of acts aimed at Boston and Massachusetts:
 - 1. Boston Port Act closed the harbor until all damages were paid
 - 2. The Massachusetts Government Act reduced the colonial legislature and increased the power of the royal governor by taking away chartered colonial rights and restricting town meetings restricted
 - 3. Administration of Justice Act - royal officials accused of crimes would be tried in England instead of the colonies (British official who killed colonists sent to Britain for trial)
 - 4. New Quartering Act - expanded previous Quartering Act to enable British troops to be quartered in private homes (applied to all colonies).
 - 5. Quebec Act (in addition to the Intolerable Acts)
 - a. Chartered way to govern the French in Quebec
 - b. Good law that came at a bad time
 - c. Allowed French to be Catholic
 - d. French could retain old customs
 - e. Boundaries of Quebec were extended to Ohio River
 - f. French approve the act
 - g. Americans suspicious - angered land speculators and anti-Catholics
- J. Colonies’ Response - First Continental Congress of 1774
 - 1. 56 delegates met at Carpenter's Hall in Philadelphia to discuss ways of addressing colonial grievances (including Washington, Patrick Henry, Richard Henry Lee, Sam Adams)
 - 2. All colonies but Georgia sent delegates
 - 3. Drafted Suffolk Resolves
 - a. Contained Declaration of Rights
 - b. Appeals to the King and British people
 - c. Created the Association, which called for complete boycott of British goods
 - 4. Not ready to talk about full independence, but did call for the colonies To arm themselves and form militias
 - 5. Would meet again in 1775 if needed
- K. Patriots or Rebels?
 - 1. The shot heard round the world (Emerson)
 - a. April 1775, British troops sent to Lexington and Concord to seize stores of gunpowder and to arrest Sam Adams and John Hancock
 - 2. The War for Independence has begun

Preparation for this lesson and activity:

1. Prepare copies of the following:

- Standard Deviants Outline for Part II - The Stuff that Happened before the Constitution - a brief overview of events from 1764 – 1776
- "Actions and Reactions" chart for each student

2. Day One

- Briefly review the legacy of the French and Indian War with students
- Show clip from Standard Deviants *Learn About American Government*, "The Stuff That Happened Before the Constitution"; Give students the brief outline to follow the clip and add their own notes.
- Homework: have students read the sections of their textbooks covering the events leading to the Declaration and War (roughly 1760 to 1776)

3. Day Two

- Teacher-led discussion or lecture on the events after the French and Indian War up to the writing of the Declaration.
- Divide students into small groups or pairs to work on the chart, using their notes, texts, and online resources. The chart should be completed as homework. Explain that they will be allowed to use the charts in writing an in-class essay, so it is in their best interest to fill them in as thoroughly as possible.

4. Day Three (includes Lesson **Assessment**)

- Have students discuss, as a class, why the colonists felt that Great Britain had usurped power.
- Have students answer the following, in paragraph form, as an in-class essay:
- What was the colonists' reaction to Britain's assertion of authority after the French and Indian War, and how did they justify this reaction?
- Allow students to use their completed charts to write their essay.
- Students should turn in the chart with the essay

Student Handout #1

Instructions - Use this outline as a guide as you watch the video. Add your own notes as you watch; noting especially the reasons for and consequences of the different acts.

Standard Deviants *Learn About American Government, Part 2*

All the Stuff that Happened Before the Constitution was Written

- A. Origins of a New Nation
 - 1. 1620s – mid-1700s – the early years affected how the Founders structured government
 - 2. The relationship between the colonies and the crown
 - a. The colonies controlled domestic affairs and levied taxes
 - b. The Crown regulated trade, including international trade
 - 3. Acts to Recoup England's losses
 - a. Sugar, Stamp, and Quartering acts
 - 4. Stamp Act Congress (1765)
 - a. Became the Committees of Correspondence
 - 5. First continental Congress (1774)
 - a. Declaration of Rights and Resolves
 - 6. Second Continental Congress (1775)
 - a. Emerson's "Shot Heard Round the World"
 - b. Olive Branch Petition
 - 7. American Revolution result of the King's unresponsiveness to the colonists' demands
- B. Declaration of Independence
 - 1. Declared independence from England
 - a. Preamble
 - b. List of grievances (later guaranteed by the Bill of Rights)
 - c. Signatures
 - 2. Article of Confederation (1776; 1781)
 - a. "League of friendship"
 - b. "Semi-sovereign" states
 - c. States hold most of the power, not the national government (which gets its power from the states)
 - d. "Oddly-fashioned, yellow-bellied, limp-fish government"
 - 3. Call for a Constitutional Convention
- C. Constitutional Convention (May of 1787)
 - 1. Virginia Plan – strong national government whose power is derived from the people
 - 2. New Jersey Plan – a loose confederation of states
 - 3. Indirect Democracy (Representative government)
 - 4. Small states v. large states
 - a. The Great Compromise
 - 1. Two Houses of Congress (bicameral legislature)
 - a. Senate – each state has 2
 - b. House – based on population
 - c. How do we count population?

Student Handout #2 (adapted from Betsy Newmark)**Actions and Reactions**

England passed the <u>1764 Sugar Act</u> in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
England passed the <u>1765 Quartering Act</u> in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
England passed the 1765 Stamp Act in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
England passed the <u>1766 Declaratory Act</u> in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...

England passed the 1767 Townshend Acts in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
England passed the 1773 Tea Act in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
England passed the 1774 Intolerable Act in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...

Student Handout #3

Answer the following question in a well-written paragraph. Provide specific examples in your answer:

What was the colonists' reaction to Britain's assertion of authority after the French and Indian War, and how did they justify this reaction?

[illegible]

Teacher Key (Verbois)

England passed the act in order to...	Colonists responded to the act's passage by...	England responded to the colonists' objections by...
Sugar Act (1764)		
<p>Produce revenue by means of customs duties, in order to help England pay for the costs of keeping troops in America</p> <p><u>Definition:</u> placed tariffs on sugar, coffee, wine and other items the colonists imported. It also cut the duty on molasses in half as an incentive to reduce smuggling. Smuggling cases would now be tried in British rather than colonial courts, and by a judge alone, not a jury</p> <p>First Law passed by Parliament to raise revenue in the colonies</p>	<p>MA, RI, CT, NY and VA legislatures protest - in pamphlets (The Rights of the British Colonies Asserted and Proved - James Otis) and official statements</p> <p>Petitions; Limited boycotting *Colonial Merchants complained, predicted total economic ruin, and questioned the wisdom of a measure that would impoverish Americans and limit their ability to purchase English goods</p> <p>*Also Questioned the constitutionality of parliamentary taxation.</p>	<p>Paying little attention to colonial protests - the following year Grenville enacted the Stamp Act</p> <p>The situation disrupted the colonial economy by reducing the markets to which the colonies could sell, and the amount of currency available to them for the purchase of British manufactured goods. This act, and the Currency Act, set the stage for the revolt at the imposition of the Stamp Act.</p> <p>The Duties on sugar were lowered substantially</p>
	1765 Quartering Act	
<p>Defray some of the costs of keeping soldiers in the colonies.</p> <p><u>Definition:</u> Required residents of some colonies to feed and house British soldiers</p>	<p>Outraged colonists believed the taxes and regulations were unfair - for the most part, they ignored the Act, or legislatures voted for only a fraction of supplied</p>	<p>Suspending the legislature of NY in 1767 for failure to comply with the act</p> <p>It was allowed to expire in 1770</p> <p>But it was revived in 1774</p>
	1765 Stamp Act	
<p>To pay for the increased British troop presence in the colonies.</p> <p><u>Definition:</u> Tax required certain goods (legal documents, diplomas, almanacs, broadsides, newspapers and playing cards) to bear an official stamp showing the owner had paid the tax. Those who failed to pay would be punished by the vice-admiralty courts without a jury trial.</p>	<p>Patrick Henry's Virginia Resolves; <u>Stamp Act Congress</u> meets in NY - petitioned the King to repeal the Act; Led to the Committees of Correspondence;</p> <p>Serious boycotts - threatened to stop importing all British goods unless the Act was repealed (non-importation);</p> <p>- homespun, local manufacturing</p> <p>Violence - mobs scared away tax collectors; Sons</p>	<p>Claimed "Virtual Representation" - all members of Parliament - no matter where they were originally selected - virtually represented all of British citizens</p> <p>Stamp Act was eventually repealed in 1766, but Parliament also passed the Declaratory Act at the same time</p>

	of Liberty - "Taxation without Representation!"	
	1766 Declaratory Act	
<p>To make sure the colonists knew "who was the boss of them."</p> <p><u>Definition:</u> the act said Britain could pass legislation about the colonies in all matters whenever and however they wanted - "in all cases whatsoever."</p>	<p>Ignored at first, because they were jubilant that the Stamp Act was repealed. But that jubilation was short lived...</p>	<p>Issuing the Townshend Acts</p>
	1767 Townshend Acts	
<p>To make sure the colonists understood the Declaratory Act.</p> <p><u>Definition:</u> Taxed imported glass, paper, lead, paint, and tea. It also suspended the New York Assembly</p>	<p>Colonists took to the streets again Boycotts Protests Nonimportation agreements Tea smuggling "Letters from a Farmer in Pennsylvania"</p>	<p>Sent 4000 troops to Boston in 1768 to prevent serious disorder - soldiers' presence made matters worse Required Bostonians to house and feed soldiers in their own homes Boston Massacre - 1770 Parliament repealed the Townshend Acts in 1770, but left the tax on tea (on principle)</p>
	1773 Tea Act	
<p>Help the financially troubled British East India Company.</p> <p><u>Definition:</u> gave the East India Company an exclusive monopoly on tea exported to the colonies - it actually meant cheaper tea for Americans, but they felt duped.</p>	<p>Boston Tea Party - colonists dump the tea in Boston Harbor</p>	<p>The Intolerable Acts (aka the Coercive Acts)</p>
	1774 Intolerable Acts	
<p>Punish Boston for the Boston Tea party</p> <p><u>Definition:</u> Included the Boston Port Bill, which closed the Boston Harbor to all ships until Bostonians paid for the destroyed tea, restrictions on public assemblies, and suspension of civil liberties. The Quartering Act was revived, and a new Quebec Act was instituted, granting freedoms to Canadian Catholics and extending Quebec's claims to meet the western frontier of the American colonies.</p>	<p>First Continental Congress Olive Branch Petition Declaration of Rights And Resolves</p> <p>Public sympathy for Boston involved many neighboring colonies who sent food and supplies to the blockaded city</p>	<p>Lexington and Concord Battle of Bunker Hill Rejects Olive Branch Revolution!</p>

Lesson Two – “We Hold These Truths to be Self-evident”

Introduction:

The focus of Part Two is on the influences on the Founders and the philosophical ideas behind the Declaration, including those of Classical Republicanism (Ancient Greece and Rome), Judeo-Christian Thought, English Constitutionalism (Magna Carta, Petition of Right, English Bill of Rights, Common Law), Early Liberalism (Thomas Hobbes, theories of John Locke, including natural rights, consent and right of revolution, Montesquieu, David Hume, Adam Smith), and Colonial Experiences (Mayflower Compact, the Fundamental Orders of Connecticut, sermons of New England ministers, colonial self-government and legislation, and the writings of Thomas Paine).

Guiding Questions:

Where can we see these influences in the Declaration? Why did the Founders choose these ideas when they set out to write a document that would announce their independence to the world?

Background Outline for the Teacher

Influences and Ideas Behind the Declaration

I. Second Continental Congress, May 1775

A. All 13 colonies present

1. Some favored Independence – Sam & John Adams, Patrick Henry, Richard Henry Lee
2. Moderates favored compromise with Britain while increasing colonial self-rule (John Dickinson)

B. Adopt measures to raise money and create an army and navy

1. George Washington to lead army
 - a. Not the greatest military mind (not yet.....)
 - b. Lost more battles than he won
 - c. Gifted with leadership and strength of character
 - d. Great moral force
 - e. People trusted him

- f. Served without pay
- C. June 1775 Congress adopted the “Olive Branch Petition”
 - a. Professed loyalty to the crown and begged king to stop hostilities
 - b. King rejected the Olive Branch Petition, declared colonies in rebellion and hired German soldiers (Hessians) to crush rebellion

II. Reluctant revolutionaries

- A. Only wanted to claim their “rights as Englishmen”
- B. Squabbles over economic policies exposed differences in political principles
 - 1. In Europe, people were born, lived, and died in the same place
 - 2. No one challenged the status quo
- C. Two ideas important to Americans
 - 1. Republicanism (a/k/a Classical Republicanism)
 - a. A just society is one in which all citizens willingly subordinate their private and selfish interests to the common good.
 - b. stability of society and authority of government depend on virtuous citizens
 - c. Inherently at odds with aristocracy and monarchy
 - 2. Corruption of the monarchy
 - a. “Radical Whigs” published commentaries widely read by colonists warning of corruption
 - b. Also warned citizens to be on guard against threats to their liberties

III. Influences on the Founders (see chart in Appendix Material for more detail)

- A. Ancient Greece & Rome
- B. Judeo-Christian thought
- C. English Constitutionalism
- D. Early Liberalism
- E. Colonial Experience

IV. The Declaration of Independence

- A. Preamble
- B. Political philosophy
- C. Reasons for Separation - grievances against the King
- D. Resolution of Independence by the United States of America
- E. Differences between Jefferson’s original draft and the final draft as edited and signed by the committee and Congress

Preparation for this activity:

1. Make photocopies of the following Student Handouts for each student:

Handout #1 - Standard Deviants Outline Part I
 Handout #2 - Standard Deviants Outline Part II
 Handout #3 – *Common Sense*
 Handout #4 - Jefferson's original draft of the Declaration
 Handout #5 - Final draft of the Declaration
 Handout #6 - Declaration Vocabulary

Handout #7 - Declaration Quiz

2. Day One

- Lecture/Discussion about the influences on the Declaration from the founders' study of Ancient Greece and Rome, Judeo Christian thought, and England's early history
- Show Segment 1 of the Standard Deviants Video – Learn American Government
- Distribute outline (Handout #1) for students to read and add information to as they watch the segment

3. Day Two

- Lecture/Discussion about the influences on the Declaration from the Founders' own history and experience
- Show Segment 2 of the Standard Deviants Video - Learn American Government
- Distribute outline (Handout #2) for students to read and add to as they watch the segment
- Read aloud together the excerpt from Thomas Paine's *Common Sense*. Have students work together to answer the questions

3. Day Three

- Lecture/Discussion about the immediate events surrounding the writing of the Declaration
- Give students photocopies of the rough draft and the final draft of the DOI
- Have them work in pairs to find the differences between the two
- Discuss as a class their findings
- Have students define the vocabulary word
- Quiz next class: Students will write out the Declaration from “When in the course of human events,” to “for their future security.”

Student Handout #1

Standard Deviants Video – *Learn American Government - Part I*

Part I – Introduction to Government

A. Origins of American Government

1. Ancient Greeks – Aristotle
 - a. Natural Law theory - society should be governed by ethical principles (what we should or shouldn't do), and government should respect individual citizens
2. 18th century (1700s) – “New Ideas” – Age of Enlightenment
 - b. Popular Consent – theory that people should be able to participate in their own government
 - c. John Locke and Thomas Hobbes took this idea and came up with the Social Contract Theory – which said that in societies and cities, parties enter into a contract together. People form government to preserve life, liberty, and property, and to assure justice.
 - d. The people reserve the right and duty to revolt if government behaves badly

B. Types of Government

1. Monarchy – kings/queens (hereditary rulers) have absolute power
2. Oligarchy – elite groups – based on status
3. Aristocracy – rule by a privileged few
4. Democracy – people hold the power to rule themselves
 - Two types of Democracy:
 - Direct Democracy – people have equal say (majority rules). Direct democracy is hard in big countries.
 - Indirect, or Representative Democracy – one vote. People choose representatives

C. Characteristics of American Democracy

1. American democracy is tied to both Social Contract Theory and to Natural Law Theory
2. Six key components:
 - a. Popular Consent – right to govern by the people
 - b. Popular sovereignty – majority vote
 - c. Majority Rule – only policies the majority agrees on becomes law
 - d. Individualism – unalienable right
 - e. Equality – equal power – one vote
 - f. Personal liberty – freedom from undue government interference

Student Handout #2

Standard Deviants Video – *Learn American Government* - Part II

D. Declaration of Independence

4. Declared independence from England
 - d. Preamble
 - e. Philosophical statement
 - f. List of grievances (later guaranteed by the Constitution and Bill of Rights)
 - g. Signatures

B. Articles of Confederation (1776; 1781)

1. "League of friendship"
2. "Semi-sovereign" states
 - e. States hold most of the power, not the national government
 - f. National government gets its power from the states
3. "Oddly-fashioned, yellow-bellied, limp-fish government"
4. Call for a Constitutional Convention

Student Handout #3 (Source: Betsy Newmark)Source: *Common Sense*, Thomas Paine, January 1776

. . . I have heard it asserted by some, that as America hath flourished under her former connection with Great Britain, that the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert, that because a child has thrived upon milk, that it is never to have meat; or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true, for I answer roundly, that America would have flourished as much, and probably much more, had no European power had any thing to do with her. The commerce by which she hath enriched herself are the necessities of life, and will always have a market while eating is the custom of Europe. . . .

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. . . But she has protected us, say some. That she hath engrossed us is true, and defended the continent at our expense as well as her own is admitted, and she would have defended Turkey from the same motive, viz. the sake of trade and dominion. . . .

. . . Alas, we have been long led away by ancient prejudices and made large sacrifices to superstition. We have boasted the protection of Great Britain, without considering, that her motive was interest not attachment; that she did not protect us from our enemies on our account, but from her enemies on her own account, from those who had no quarrel with us on any other account, and who will always be our enemies on the same account. Let Britain wave her pretensions to the continent, or the continent throw off the dependence, and we should be at peace with France and Spain were they at war with Britain.

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. . . It hath lately been asserted in parliament, that the colonies have no relation to each other but through the parent country, i. e. that Pennsylvania and the Jerseys, and so on for the rest, are sister colonies by the way of England; this is certainly a very roundabout way of proving relation ship, but it is the nearest and only true way of proving enemyship, if I may so call it. France and Spain never were, nor perhaps ever will be our enemies as Americans, but as our being the subjects of Great Britain. . . .

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. . . But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young; nor savages make war upon their families... Europe, and not England, is the parent country of America. This new world hath been the asylum for the persecuted lovers of civil and religious liberty from every Part of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home pursues their descendants still . . .

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...Bring the doctrine of reconciliation to the touchstone of nature, and then tell me, whether you can hereafter love, honor, and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honor, will be forced

35

and unnatural, and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than the first. But if you say, you can still pass the violations over, then I ask, Hath your house been burnt? Hath your property been destroyed before your face? Are your wife

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and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then are you not a judge of those who have. But if you have, and can still shake hands with the murderers, then are you unworthy the name of husband, father, friend, or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.	45
<p>... Every thing that is right or natural pleads for separation. The blood of the slain, the weeping voice of nature cries, 'tis time to part. Even the distance at which the Almighty hath placed England and</p> <p>America, is a strong and natural proof, that the authority of the one, over the other, was never the design of Heaven. The time likewise at which the continent was discovered, adds weight to the argument, and the manner in which it was peopled increases the force of it. The reformation was preceded by the discovery of America, as if the Almighty graciously meant to open a sanctuary to the persecuted in future years, when home should afford neither friendship nor safety.</p>	50
<p>... Small islands not capable of protecting themselves, are the proper objects for kingdoms to take under their care; but there is something very absurd, in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet, and as England and America, with respect to each other, reverses the common order of nature, it is evident they belong to different systems: England to Europe, America to itself. . . .</p>	55
<p>But the king you will say has a negative in England; the people there can make no laws without his consent. In point of right and good order, there is something very ridiculous, that a youth of twenty-one (which hath often happened) shall say to several millions of people, older and wiser than himself, I forbid this or that act of yours to be law. But where says some is the King of America? I'll tell you Friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Britain. . . . in America the law is king. For as in absolute governments the King is law, so in free countries the law ought to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is . . .</p>	60
<p>... However, it matters very little now, what the King of England either says or does; he hath wickedly broken through every moral and human obligation, trampled nature and conscience beneath his feet; and by a steady and constitutional spirit of insolence and cruelty, procured for himself an universal hatred.</p>	65

NAME: _____

DUE DATE:

Answer the following questions on a separate sheet of paper

1. In paragraphs one, two, four and five Paine sets up arguments against independence and then knocks them down with his own reasoning. List each of those four arguments against independence and then summarize how Paine answers them. Use your own words. Do not quote Paine.

2. In paragraph three why does Paine feel that the colonies have had to make war on France and Spain?

3. What are Paine's arguments against reconciliation in paragraph six?

4. What are two examples of how Nature itself provides reasons for separation as Paine discusses in paragraphs seven and eight?

5. Whom is Paine referring to as the "Royal Brute" in line 60? Whom is he referring to as the "King of America" in line 59?

Student Handout #4 - Rough Draft of the Declaration of Independence

Thomas Jefferson, 1776

Note: Italicized words or phrases were omitted in the final draft. Bracketed words or phrases were added to the original draft and appear in the final draft.

A Declaration by the Representatives of the UNITED STATES OF AMERICA, in
General Congress assembled

[URL:http://www.ashbrook.org/library/18/jefferson/declaration.html](http://www.ashbrook.org/library/18/jefferson/declaration.html)

WHEN in the Course of human Events it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth the separate & equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

WE hold these Truths to be self-evident: that all Men are created equal; that they are endowed by their creator with *inherent and** [certain]† inalienable rights; that among these are life, liberty, & the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, & to institute new government, laying it's foundation on such principles, & organizing it's powers in such form, as to them shall seem most likely to effect their safety & happiness. Prudence indeed will dictate that governments long established should not be changed for light & transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses & usurpations *begun at a distinguished period and* pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, & to provide new guards for their future security. Such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to *expunge* [alter] their former systems of government. The history of the present king of Great Britain is a history of *unremitting* [repeated] injuries & usurpations, *among which appears no solitary fact to contradict the uniform tenor of the rest but all have* [all having]in direct object the establishment of an absolute tyranny over these states. To prove this let facts be submitted to a candid world *for the truth of which we pledge a faith yet unsullied by falsehood.*

HE has refused his assent to laws the most wholesome & necessary for the public good.

HE has forbidden his governors to pass laws of immediate & pressing importance, unless suspended in their operation till his assent should be obtained; & when so suspended, he has utterly neglected to attend to them.

HE has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & formidable to tyrants only.

HE has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

HE has dissolved representative houses repeatedly & *continually* for opposing with manly firmness his invasions on the rights of the people.

HE has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the meantime exposed to all the dangers of invasion from without & convulsions within.

HE has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, & raising the conditions of new appropriations of lands.

HE has *suffered* [obstructed] the administration of justice *totally to cease in some of these states* [by] refusing his assent to laws for establishing judiciary powers.

HE has made *our* judges dependant on his will alone, for the tenure of their offices, & the amount & paiment of their salaries.

HE has erected a multitude of new offices by a *self assumed power* and sent hither swarms of new officers to harass our people and eat out their substance.

HE has kept among us in times of peace standing armies *and ships of war* without the consent of our legislatures.

HE has affected to render the military independent of, & superior to the civil power.

HE has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknowledged by our laws, giving his assent to their acts of pretended legislation:

FOR quartering large bodies of armed troops among us:

FOR protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states

FOR cutting off our trade with all parts of the world:

FOR imposing taxes on us without our consent:

FOR depriving us [in many cases] of the benefits of trial by jury

FOR transporting us beyond seas to be tried for pretended offences:

FOR abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging it's boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these *states* [colonies]:

FOR taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

FOR suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here *withdrawing his governors, and declaring us out of his allegiance & protection*. [by declaring us out of his protection and waging war against us.]

He has plundered our seas, ravaged our coasts, burnt our towns, & destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation & tyranny already begun with circumstances of cruelty and perfidy [scarcely paralleled in the most barbarous ages, & totally] unworthy the head of a civilized nation.

He has constrained our fellow citizens taken captive on the high seas to bear arms against their country, to become the executioners of their friends & brethren, or to fall themselves by their hands.

He has [excited domestic insurrection among us, & has] endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, & conditions of existence.

He has incited treasonable insurrections of our fellow-citizens, with the allurements of forfeiture & confiscation of our property.

He has waged cruel war against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL Powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the

LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a [free] people *who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.*

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend a [an unwarrantable] jurisdiction over *these our states* [us]. We have reminded them of the circumstances of our emigration & settlement here, *no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and, we* [have] appealed to their native justice and magnanimity [and we have conjured them by] *as well as to the ties of our common kindred to disavow these usurpations which were likely to* [would inevitably] interrupt our connection and correspondence. They too have been deaf to the voice of justice & of consanguinity, *and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. Be it so, since they will have it. The road to happiness & to glory is open to us too. We will tread it apart from them, and* [We must therefore] acquiesce in the necessity which denounces our eternal separation! [and hold them as we hold the rest of mankind, enemies in war, in peace friends.]

We therefore the representatives of the united States of America in General Congress assembled [appealing to the Judge of the World for the rectitude of our intentions] do in the name & by authority of the good people of these *states* [colonies] *reject and renounce all allegiance & subjections to the kings of Great Britain & all others who may hereafter claim by, through or under them: we utterly dissolve all political connection which may heretofore have subsisted between us & the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent states,* [solemnly Publish and Declare that these United Colonies are, and of Right ought to be, Free and Independent States; that they are dissolved from allegiance to the British Crown, and that all political Connection

between them and the State of Great-Britain, is and ought to be totally dissolved;] and that as free and independent states, they have full power to levy war, conclude peace, contract allies, establish commerce, & do all other acts & things which independent states may of right do.

And for the support of this declaration, [with a firm reliance on the protection of divine providence] we mutually pledge to each other our lives, our fortunes, & our sacred honor.

Student Handout #5 - The Declaration of Independence, final draft

The Declaration of Independence

In CONGRESS, July 4, 1776,

The unanimous Declaration of the thirteen united STATES of AMERICA,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain [George III] is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies, without the consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly publish and declare. That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace,

contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

See <http://www.ushistory.org/declaration/document/index.htm> for this copy, the rough draft, and Congress's final draft with deletions crossed out and edits added

Student Handout #6

Declaration Vocabulary

Instructions: For each term, copy each sentence/phrase as it is used in the Declaration, and then define the word in the context of its use in the document. Put your answers on a separate sheet of paper.

1. Laws of Nature and Nature's God
5. Unalienable
6. Prudence
7. Transient
8. Usurpations
9. Despotism
10. Tyranny
11. Candid
12. Assent
13. Relinquish
14. Dissolutions
15. Tenure
16. Arbitrary
17. Charters
18. Mercenaries
19. Perfidy
20. Domestic insurrections
21. Magnanimity
22. Consanguinity
23. Acquiesce
24. Rectitude
25. Allegiance

Student Handout #7

Declaration Quiz

NAME: _____

Questions on the “American Mind” and the American Founding

Source: Ashland University Course on the Founding

____1. According to the Declaration, all men are

- a. Endowed with certain natural laws
- b. created with inalienable truths
- c. self-evidently prepared for equality
- d. Endowed with certain inalienable rights

____2. According to the Declaration, governments are instituted

- a. to alter and abolish the state of nature
- b. out of a decent respect for the opinions of mankind
- c. to secure the natural rights of the governed
- d. to create a long train of abuses

____3. The Declaration states that

- a. the people have a right to alter their government
- b. the people have no right to abolish their government
- c. the people can exit a government for no reason at all
- d. that an individual has a right of revolution

____4. According to the Declaration, revolution is justified by

- a. light and transient causes
- b. delay and inconvenience
- c. a long train of abuses
- d. the course of human events

____5. According to the Declaration, the just powers of government

- a. are instituted among men
- b. are created with unalienable rights
- c. are derived from the consent of the governed
- d. are made necessary by the course of human events

____6. According to the Declaration, Americans were entitled to assume their
Separate and equal station among the powers of the earth

- a. by a decent respect to the opinions of mankind
- b. by the Laws of Nature and of Nature's God
- c. by the course of human events
- d. by light and transient causes

____7. According to the Declaration, experience has shown that

- a. men will throw off absolute despotism whenever it occurs
- b. men prefer anarchy to absolute despotism
- c. men will suffer all evils rather than submit to despotism
- d. men will tend to endure despotism if they are accustomed to it

____8. Which of the following is *not* among the grievances listed in the Declaration
Concerning the actions of the King? He

- a. sought to destroy the authority of the colonial legislatures
- b. obstructed the administration of justice
- c. kept standing armies in time of peace
- d. failed to quarter soldiers among the civilian population

____9. Which of the following *is* among the grievances listed in the Declaration
concerning the actions of the King? He

- a. imposed taxes without consent
- b. supported the right of trial by jury
- c. respected the colonial charters
- d. failed to amend the colonial constitutions

Teacher Key – Common Sense

1. In paragraphs one, two, four and five Paine sets up arguments against independence and then knocks them down with his own reasoning. List each of those four arguments against independence and then summarize how Paine answers them. Use your own words. Do not quote Paine.

1. America must stay connected to G.B. to prosper
Paine's response: Then children who are raised well should never leave home, and America would have prospered anyway without any European influence
2. G.B. has protected us
Paine: Only because of trade and dominion
3. The colonies are only tied to each other through G.B.; we are not friends with each other
Paine: France and Spain are only our enemies because we are subjects of G.B.
4. G.B. is our parent country
Paine: This is not how loving parents treat their children, plus, America is the destination of all who seek civil and religious liberty

2. In paragraph three why does Paine feel that the colonies have had to make war on France and Spain?

Superstition and ancient prejudices; France and Spain are England's enemies

3. What are Paine's arguments against reconciliation in paragraph six?

Future relationship will be forced and unnatural because it is only for convenience and not from love, honor, or faith. They are murderers!

4. What are two examples of how Nature itself provides reasons for separation as Paine discusses in paragraphs seven and eight?

Blood of the slain; distance between G.B. and America; Timing of discovery; manner of settlement; timing of reformation; a continent (America) should not be ruled by a small island.

5. Whom is Paine referring to as the "Royal Brute" in line 60? Whom is he referring to as the "King of America" in line 59?

Royal Brute is King George III; the King of America is God or the law (Lex Rex)

Vocabulary: fallacious – tending to deceive or mislead

Sycophant – servile, self-seeking flatterer; syn – parasite; fawning; obsequious
(Subservient attentiveness and/or flattery)

Declaration Vocabulary - Key

1. “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them...”

The rights of the people are based on a higher law than any law made by man, and they are “self-evident” and “unalienable.” In **Natural Rights philosophy** the law of nature contains universal standards of justice for all people for all time, even in the absence of man-made law. No one can legitimately violate these rights (*We the People*, 47).

From The Farmer Refuted (Alexander Hamilton), February 23, 1775):

Good and wise men, in all ages...have supposed, that the deity, from the relations we stand in, to himself and to each other, has constituted an eternal and immutable law, which is, indispensably, obligatory upon all mankind, prior to any human institution whatsoever. This is what is called the law of nature, ‘which, being coeval with mankind and dictated by God himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries and at all times. No human laws are of any validity, if contrary to this; and such of them as are valid, derive all their authority, mediately, or immediately, from this original’ (Blackstone). Upon this law, depend the natural rights of mankind, the supreme being gave existence to man, together with the means of preserving and beatifying that existence. He endowed him with rational faculties, by the help of which, to discern and pursue such things, as were consistent with his duty and interest, and invested him with an inviolable right to personal liberty, and personal safety.

Available at <http://www.thefederalistpapers.org/founders/hamilton/alexander-hamilton-the-farmer-refuted-1775-2> (accessed 11 April, 2012).

2. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness...

Not to be separated, given away, or taken away

3. “Prudence, indeed, will dictate that Governments long established should not be changed...”

Wisdom or judiciousness

4. “...for light and transient causes...”

Lasting only for a short time; impermanent

5. “But when a long train of abuses and usurpations...

Wrongful seizure or exercise of authority or privilege belonging to another

6. “...evinces a design to reduce them under absolute Despotism...

System of government in which the ruler has unlimited power

7. “The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute **Tyranny** over these States...”

Arbitrary or unrestrained exercise of power; despotic abuse of authority;
government or rule of a tyrant or absolute ruler

8. “To prove this, let Facts be submitted to a **candid** world.”

Free from prejudice or bias; fair; just; impartial

9. “He has refused his **Assent** to Laws, the most wholesome and necessary for the public good.”

Agreement; permission

10. “He has refused to pass other Laws for the accommodation of large districts of people, unless those people would **relinquish** the right of Representation in the Legislature”

Give up

11. “He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such **dissolutions**, to cause others to be elected...”

Undoing or breaking of a bond

12. “He has made Judges dependent on his Will alone, for the **tenure** of their offices...”

Security

13. “For abolishing the free System of English Laws in a neighbouring Province, establishing therein an **Arbitrary** government...”

Course of action or a decision not based on reason or judgment but on
personal will or discretion without regard to rules or standards.

14. “For taking away our **Charters**, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments...”

A document, issued by a sovereign or state, outlining the conditions under which a corporation, colony, city, or other corporate body is organized

15. “He is at this time transporting large Armies of foreign **Mercenaries** to complete the works of death, desolation and tyranny...”

One serving merely for wages; a soldier hired into Foreign Service

16. “...already begun with circumstances of Cruelty & **perfidy** scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.”

The deliberate breaking of faith; betrayal of trust; treachery

17. “He has excited domestic insurrections amongst us...”

Inciting those within our borders against us (Native Americans)

18. “We have appealed to their native justice and magnanimity...”

Loftiness of spirit; noble generosity

19. “They too have been deaf to the voice of justice and of consanguinity.”

Relationship by blood or by a common ancestor; A close affinity or connection

20. “We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends”

To consent or comply passively or without protest

21. “...appealing to the Supreme Judge of the world for the rectitude of our intentions...”

Rightness of principle or conduct; moral virtue

22. “...they are Absolved from all Allegiance to the British Crown...”

Loyalty of a citizen to his or her government or of a subject to his or her sovereign

Declaration Quiz key

- | | |
|------|------|
| 1. D | 6. B |
| 2. C | 7. D |
| 3. A | 8. D |
| 4. C | 4. A |
| 5. C | |

Lesson Three: “That to Secure These Rights, Governments are Instituted Among Men”

Introduction:

The 27 grievances listed in the Declaration often go unnoticed, yet most are directly answered in the Constitution. Using a variety of primary sources and a chart showing the Actions of the King, the Grievances of the Declaration, and the Remedy in the Constitution, this lesson analyzes the two documents and events taking place from 1763 to 1788 to lead students to understand how and why the documents are tied together, and why the founders addressed the particular issues that they did.

Guiding Questions:

Why did the founders include what they did in the Constitution (for example, Article 1, Section 4, the “Times, Places and Manner” clause)? Are these just arbitrary do’s and don’ts, or are there specific reasons that the Constitution reads the way it does?

Background Outline for the Teacher

From Articles to Constitution and Bill of Rights

I. Articles of Confederation

- A. Second Continental Congress
 - 1. Gave little power to the central government
 - 2. Delegates were little more than ambassadors who asserted some control over military and foreign affairs
 - 3. Otherwise, 13 states were sovereign
 - a. Coined money
 - b. Raised armies and navies
 - c. Made tariff barriers
 - 4. Shortly before independence, a committee was appointed to draft a written constitution
- B. Articles of Confederation (adopted 1777)
 - 1. Finally ratified by all 13 states in 1781
 - 2. Major area of contention was western lands

- a. States that had none would have to tax selves heavily to pay off war debt
 - b. States that had land could sell to pay debts
 - c. Maryland refused to ratify until all states ceded land to central government
 - d. Government promised to carve new states from the land
- C. Land Ordinance of 1785
 - 1. Lands of Old Northwest should be sold to pay national debt
 - 2. Land would be surveyed before sale and settlement to avoid lawsuits
 - 3. Townships were 6 miles square, spilt into 36 sections of 1 square mile each.
 - 4. 1/16 section of each town set aside for public school
- D. Northwest Ordinance of 1787
 - 1. Provided for governing the Old Northwest
 - 2. Two stages - territory stage – ruled by federal government
 - a. When population reached 60, 000 might be admitted by Congress as a state, equal to all other states
 - b. Forbade slavery, although slaves already present were exempt
- E. Articles created a loose confederation
 - 1. States linked together in dealing with common problems
 - 2. Congress the only national branch of government
 - a. No executive
 - b. Judicial left to states
 - 3. Each state had one vote regardless of population
 - a. Bills required 9 votes
 - b. Amendments had to be unanimous - Almost impossible
 - 4. Congress purposely designed to be weak
 - a. Could not control commerce or pass taxes
 - b. Each state passed own laws regarding trade and tariffs
 - c. Established a tax quota
 - d. Asked states to voluntarily pay
 - e. Often less than ¼ collected
 - 5. Could not even defend itself
- F. Although weak, Articles provided a landmark in government
 - 1. Model for a “loose” confederation
 - 2. Clearly outlined general powers of government
 - 3. Held states together until they were ready for a strong constitution
- G. Foreign Relations
 - 1. Britain refused to send ambassador to capital (Philadelphia)
 - a. Refused to repeal Navigation Laws or make a commercial treaty
 - b. British soldiers still on Canadian border
 - i. To protect Loyalists
 - ii. Keep Indians on their side
 - c. Some wanted Britain forced into line by restricting imports to America
 - i. Congress did not have this power
 - ii. States would not adopt uniform tariffs
 - d. Spain also antagonistic
 - i. 1784 closed Mississippi River to American commerce
 - ii. Farmers in Tennessee and Kentucky had no way to get produce to market

- iii. Land disputes over Florida
 - iv. French demanded repayment of money loaned during war
- H. Problems
 - 1. Individual states getting out of hand
 - a. Fighting over boundaries
 - b. Taxing goods from neighboring states
 - c. Printing large amounts of money with no value
 - 2. Shays' Rebellion (1786) – Massachusetts
 - a. Veterans of Revolution were losing farms to bankruptcy
 - b. Led by Daniel Shays
 - c. Demanded the state issue paper money, lighten taxes, suspend property takeovers
 - 3. Response
 - a. Massachusetts authorities raise small army
 - b. Several skirmishes occur - Rebellion collapsed
 - c. Propertied class began to worry that liberty had gone too far
 - i. Some talked of importing a king
 - ii. Leads to talk of a stronger government

II. The Constitutional Convention

- A. Purpose – to strengthen the central government
 - 1. 55 delegates from every state except Rhode Island (Rogue's Island)
 - 2. Met in Philadelphia beginning May 25, 1787
 - 3. George Washington elected chairman
 - 4. Ben Franklin, 81 - Had to be escorted everywhere so he didn't talk
 - 5. James Madison, 36 - "Father of the Constitution"; Virginia Plan
 - 6. Alexander Hamilton, 32 - Advocated super powerful central government
- B. Delegates were young (average age 42), wealthy, educated
 - 1. Not particularly interested in democracy
 - 2. Decide to completely scrap Articles
- C. Writing the Constitution
 - 1. Virginia Plan
 - a. Bicameral legislature
 - b. Both houses based on population (proportional representation)
 - 2. New Jersey Plan
 - a. Unicameral Congress
 - b. Equal representation regardless of size or population
 - i. Feared large states would band together against small states
 - 3. "The Great Compromise"
 - a. Conflicting plans led to heated debate
 - b. House of Representatives – based on population
 - c. Senate – equal representation of 2 per state
 - d. As compromise to larger states, all tax or revenue bills must originate in House (because they are closer to the people)
 - 4. Executive branch
 - a. Powers
 - i. appointments to domestic offices

- ii. veto power
 - iii. wage war (but Congress must declare)
- 5. Electoral College
 - a. Number of electors based on total # of reps and senators from a state
 - i. popular vote is really a vote for the electors
 - ii. Electors meet in December and send votes to Senate
 - iii. Sitting Vice President opens ballots in January session
 - iv. If no candidate receives majority, House elects president and VP
 - v. Each state has only 1 vote
 - vi. Election by the House has occurred only twice (1800 and 1824)
- 6. Slavery
 - a. Three-Fifths Compromise
 - i. For the purpose of counting the population, slaves would be counted as $\frac{3}{5}$ a person
 - b. Many wanted to end slave trade
 - i. Georgia and South Carolina protest
 - ii. Slave trade allowed to continue for twenty years when Congress could end it (which they did on January 1, 1808)
 - c. Fugitive Slave Clause
 - i. Article 4, Section 2
- 7. Judiciary
 - a. Federal judges appointed for life
- 8. Ratification - Constitution must be ratified by 9 states (two-thirds)
- 9. Amendments – three-fourths must ratify
- D. Federalists v. Anti-federalists
 - 1. Federalists want strong central government
 - a. Wealthier, controlled the press
 - b. George Washington, Ben Franklin, Alexander Hamilton, James Madison
 - 2. Anti-Federalists want strong states
 - a. Poorer classes, states' rights advocates
 - b. Samuel Adams, Patrick Henry, Richard Henry Lee
- III. Ratification Process
 - A. Four small states immediately ratify
 - 1. Pennsylvania 1st large state to do so
 - 2. Most important state – Massachusetts
 - 3. Anti-Federalist controlled ratification convention
 - a. Worried about lack of Bill of Rights
 - b. Federalists promised 1st Congress would add by amendment
 - 1. Other states soon followed to reach nine
 - a. Virginia, Rhode Island, North Carolina, and New York hold out
 - b. Virginia finally ratified when it realized it couldn't make it on its own
 - c. New York
 - i. Hamilton, John Jay, Madison wrote series of articles for newspapers
 - ii. The Federalist Papers
 - iii. New York finally ratified because it could not prosper alone
 - d. Rhode Island refused to call ratifying convention

- e. North Carolina met but adjourned without taking vote
 - f. Both eventually ratified
- IV. A New Nation
- A. 1789, George Washington unanimously elected by Electoral College
 - 1. New York City temporary capital
 - 2. Took oath April 30, 1789 overlooking Wall Street
 - B. Washington establishes cabinet (not in Constitution)
 - 1. Secretary of State – Thomas Jefferson
 - 2. Secretary of Treasury – Alexander Hamilton
 - 3. Secretary of War – Henry Knox
 - C. Bill of Rights (Amendments 1 – 10)
 - 1. 1st order of business of the first Congress under the Constitution
 - 2. James Madison drafts them himself and pushes them through
 - 3. Ratified by states in 1791

Preparing to Teach this Lesson

1. Prepare copies of the following for each student:

- Student instructions and chart for each student
- Guided viewing questions for *A More Perfect Union* (If you will be using this video; questions are found in the Appendix Materials)

2. Day One

- Begin class discussion on the events leading up to the Constitutional Convention. On Day Two, be sure to cover the period of time between the writing of the Articles of Confederation (1777) to Daniel Shay's Rebellion in 1786.
- Begin showing the video *A More Perfect Union*, which presents the men and the events of the Constitutional Convention in an easy to understand way. Have students answer the guided viewing questions as they watch. Watch Lessons 1 and 2.

3. Day Two

- Continue classroom discussion, being sure to cover the compromises (Great Compromise, 3/5 Compromise, slave importation clause, fugitive slave clause)
- Watch Lesson 3 of *A More Perfect Union* video; students should answer guided viewing questions.
- Introduce the "Actions of a King, Grievances of a Colony, and Remedies of a Constitution" chart. Explain that students will be given some class time to fill out the chart, but that they may need to complete it as homework.

Suggestions for how to use the chart:

1. Have students use their Declaration/ Constitution booklet (or photocopies), their textbooks, their own knowledge and the suggested websites, to fill out the “Actions of the King, Declaration Grievance, and Constitution’s Remedy” chart.
2. Divide the grievances between groups of four students who will work on computers or with classroom materials.
3. Students should work in pairs within each group to learn and understand how the two documents are connected to the actions of Britain (for example, Amendment 3, “No soldier shall, in times of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law,” directly responds to the grievance “For quartering large bodies of troops among us” in the Declaration, which in turn was a result of the Quartering Act of 1765, which required the colonists to house and provision the British soldiers.
4. Each group will present the connections they have found to the class.
5. Students should be prepared to discuss why the colonists felt they needed to devise a government that would address these particular issues, and whether they can think of a better way it might have been done.

4. Day Three

- Continue with classroom discussion about the Constitutional Convention
- Watch Lessons 4 and 5 of *A More Perfect Union*; students should fill in their guided reading questions
- Allow students any remaining class time to work together on their charts
- Make sure student know that they need to complete their charts before the next class period. They also need to be prepared to discuss their findings as a group.

5. Day Four

- Conclusion to the Unit: Students will discuss what they learned from this unit during the first half of class.
- The second half of class will be used to help students begin to write their take-home essay addressing this prompt:
- Discuss how the events resulting from British debt at the end of the French and Indian War led to Britain’s direct taxation on the colonies, to the colonists’ resentment and resistance of the taxes, and finally to the writing of the Declaration of Independence and the Constitution. Using specific examples, include in your discussion how provisions of the Constitution and the Bill of Rights directly address the grievances of the Declaration.

- Typed essays are due by the next class period
- Preamble quiz – next class period students will write out from memory the Preamble to the Constitution

***Additional assessments:** At two different points in the Unit, have students write out the first part of the Declaration (from “When in the course of...” and ending with “for our future security”), and then the Preamble to the Constitution.

Student Handout #1

Actions of a King, Grievances of a Colony, and Remedies of a Constitution

Student Instructions

I. Introduction

The 27 grievances listed in the Declaration often go unnoticed, yet they are directly answered in the Constitution. Using a variety of primary sources and a chart showing the Actions of the King, the Grievances of the Declaration, and the Remedy in the Constitution, you will analyze the two documents and events taking place from 1763 to 1788 to understand why the documents are tied together, and why the founders addressed the particular issues that they did.

II. Guiding Question

Why did the founders include what they did in the Constitution (for example, Article 1, Section 4, the “Times, Places and Manner” clause)? Are these just arbitrary do’s and don’ts, or are there specific reasons that the Constitution reads the way it does?

III. Instructions (if done in class)

Using your Declaration/ Constitution booklet, your textbook, your own knowledge and the following websites, fill out Chart, “Actions of the King, Declaration Grievance, and Constitution’s Remedy.”

-Groups of four should divide the list and then divide into pairs to work on the computer or with classroom materials. (A word of advice – you should split the list of grievances between the groups instead of each group working on all 27).

-Work in pairs within your group to learn and understand how the two documents are connected to the actions of Britain (for example, Amendment 3, “No soldier shall, in times of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law,” directly responds to the grievance “For quartering large bodies of troops among us” in the Declaration, which in turn was a result of the Quartering Act of 1765, which required the colonists to house and provision the British soldiers.

- Each group will present the connections they have found to the class.

- Be prepared to discuss why the colonists felt they needed to devise a government that would address these particular issues, and whether you can think of a better way it might have been done.

IV. Web Resources to help you

“Was the Revolution Justified?” Explanations for the grievances listed in the Declaration
http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=270

Documentary History of the American Revolution (source for all of the Acts passed by Britain between 1764 and the Treaty of Paris of 1783
<http://www.yale.edu/lawweb/avalon/amerrev/amerrev.htm>

Resolutions of the Stamp Act Congress
<http://www.law.ou.edu/ushistory/stamp.shtml>

William Pitt’s speech on the Stamp Act
http://ahp.gatech.edu/pitt_speech_bp_1775.html

Revolution and the New Nation: <http://www.archives.gov/education/lessons/revolution-new-nation.html>

Explaining the Declaration: <http://www.founding.com/guide/toc.htm>

Images of reactions to the Stamp Act

- <http://www.northwestern.edu/observer/issues/2004-05-20/rights.html>
- <http://web.gc.cuny.edu/ashp/ushi/stamp%20act.htm>
- <http://www.socialstudiesforkids.com/www/us/stampactdef.htm>
- <http://www.historywiz.com/galleries/exciseman-tarring.htm>
- http://teachpol.tcnj.edu/amer_pol_hist/fi/00000014.htm
- <http://www.history.org/History/teaching/tchcrsta.cfm>
- http://www.bgmod.com/resources/history/stamp_act.jpg
- <http://www.americanrevwar.homestead.com/files/STAMP.HTM>

The PBS website for *Liberty*
http://videoindex.pbs.org/resources/liberty/mod_01.html

Introduction to the Constitutional Convention website by Professor Gordon Lloyd
<http://www.teachingamericanhistory.org/convention/introduction.html>

NAME: _____

DUE DATE: _____

Actions of the King	Declaration Grievance	Constitution's Remedy
	1. He has refused his assent to laws, the most wholesome and necessary for the public good.	
	2. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.	
	3. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only	
	4. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of the Public Records, for the sole purpose of fatiguing them into compliance with his measures.	

	5. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.	
	6. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasions from without, and convulsions within.	
	7. He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands	
	8. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.	
	9. He has made Judges dependent on his Will alone for the tenure of their offices and the amount and payment of	

	their salaries	
	10. He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance	
	11. He has kept among us in time of peace, Standing Armies, without the Consent of our legislature.	
	12. He has affected to render the Military independent of and superior to the Civil power.	
	13. He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:	
	14. For Quartering large bodies of armed troops among us:	
	15. For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:	
	16. For cutting off our Trade with all parts of	

	the world:	
	17. For imposing Taxes on us without our Consent:	
	18. For depriving us in many cases, of the benefits of Trial by Jury:	
	19. For transporting us beyond Seas to be tried for pretended offenses:	
	20. For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:	
	21. For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;	
	22. For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever	
	23. He has abdicated Government here, by declaring us out of his Protection, and waging	

	War against us.	
	24. He has plundered our seas, ravaged our Coasts, burned our towns, and destroyed the lives of our people	
	25. He is at this time transporting large Armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.	
	26. He has constrained our fellow Citizens taken Captive on the high seas to bear Arms against their country, to become the executioners of their friends and Brethren, or to fall themselves by their hands.	
	27. He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.	

Student Handout #2

CONSTITUTION OF THE UNITED STATES, AS ORIGINALLY ADOPTED.*

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE 1.--SECTION 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight, Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight, Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker, and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.
2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.
3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.
4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.
5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.
6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.
7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.
2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller

number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn to more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the person voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as

if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power--

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land water:

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

12. To provide and maintain a navy:

13. To make rules for the government and regulation of the land and naval forces:

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or office thereof.

SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State; no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince, or foreign State.

SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States, and such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.--SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there

should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

9. "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.--SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not

committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.--SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this

constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.

1. The United States shall guaranty to every State in this Union a republican form of Government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

DELAWARE.

George Read,
Gunning Bedford, Jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.

James McHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.

John Blair,
James Madison, Jun.

NORTH CAROLINA.

William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.

William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

Available at the Library of Congress:

<http://www.loc.gov/teachers/classroommaterials/primarysourcesets/constitution/>

Student Handout #3

The Bill of Rights

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment 2

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment 3

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment 7

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment 9

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment 10

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Source: The Laws of the United States, printed by Richard Folwell, Philadelphia, 1796.
Available at
<http://www.earlyamerica.com/earlyamerica/freedom/bill/textpresentbill.html>.

Teacher Key

Actions of the King	Declaration Grievance	Constitution's Remedy
George III rejected laws passed by colonial assemblies	1. He has refused his assent to laws, the most wholesome and necessary for the public good.	Article 1, Section 1: "All legislative power shall be vested in a Congress..." and/or A1, S7, Cl2; A2; A6
Royal governors rejected any colonial laws that didn't have a clause suspending their operation until the king approved them	2. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.	A1, S7 - How a Bill becomes a Law A1, S1 A2, S3
The Crown failed to redraw boundaries of legislative districts to ensure that newly settled areas were fairly represented in colonial assemblies	3. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only	A1,S2 & 4 Qualifications and election of representatives Representation
Royal governors forced colonial legislatures to meet in inconvenient places Intolerable Acts	4. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of the Public Records, for the sole purpose of fatiguing them into compliance with his measures.	A1, S4 (cl. 2): "Congress shall assemble at least once in every year..." A1, S8, Cl. 17
Royal governors dissolved colonial legislatures for disobeying their orders or for protesting royal policies Intolerable Acts	5. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.	A1, S4 & 5 "Neither House, during the session on Congress shall adjourn for more than 3 days..." A2, S3

Royal governors delayed calling for elections of new colonial assemblies	6. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasions from without, and convulsions within.	Art. 1, Sec. 4 - Times, Places and Manner of holding elections A1, S2 A1, S3 2nd Amendment
George impeded development by prohibiting naturalization of foreigners (1773) and raising the purchase price of western lands (1774) Proclamation Act (1763)	7. He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands	A1, S8 Uniform Rule of Naturalization A4, S3
The King rejected a North Carolina law setting up a court system Intolerable Acts	8. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.	A3, S1 & 2 Judicial power shall be vested in one Supreme Court A1, S8
The king insisted judges serve at his pleasure and were paid by him	9. He has made Judges dependent on his Will alone for the tenure of their offices and the amount and payment of their salaries	A3, S1 "Judges...shall hold office during good behavior..." Compensation Clause - 2 & 3 A2, S2; A1, S6
Royal government appointed tax commissioners	10. He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance	A2, S2 - "The president shall nominate and by and with the consent of the senate..." A1, S8, CI 1 A1, S2, CI3; A1, S9, CI4

The Crown kept an army in the colonies, after the Seven Years' War, without consent of colonial legislatures Intolerable Acts	11. He has kept among us in time of peace, Standing Armies, without the Consent of our legislature.	A1, S8 - "Congress shall have the power...to declare war..." A1, S10 A4, S4
General Thomas Gage was named commander of British forces in the colonies	12. He has affected to render the Military independent of and superior to the Civil power.	A2, S2 - "President shall be commander-in-chief..." A1, S8 2nd Amendment
Declaratory Act of 1766 - claimed power to make all laws for the colonies Writs of Assistance - to search and seize colonial property	13. He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:	Art. 6 - Supremacy Clause
Quartering Act of 1765	14. For Quartering large bodies of armed troops among us:	Amendment 3
1774 law permitted British soldiers and officials accused of murder while in MA to be tried in Britain	15. For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:	A3, S2 - "Trial of all crimes...shall be by jury" Amendments 5 and 6
Laws restricted the colonies' right to trade with foreign nations - Navigation Acts & Intolerable Acts (1774)	16. For cutting off our Trade with all parts of the world:	A1, S8 - Commerce Clause A2, S2 - Treaties
Sugar Act (1764) Stamp Act (1765) Townshend Acts (1767)	17. For imposing Taxes on us without our Consent:	A1, S8 Amendment 16 A1, S9
Smuggling cases tried in Britain by judges	18. For depriving us in many cases, of the benefits of Trial by Jury:	Amendments 5, 6 & 7 A1, S9, Cl 2 A3, S2
Smuggling cases tried in Britain by judges; 1769 Resolution - treason cases tried in G.B.	19. For transporting us beyond Seas to be tried for pretended offenses:	A. 1, S9, Cl. 2 A3, S. 2 & 3 6th Amendment Writ of Habeas Corpus

1774 Quebec Act extended Quebec's boundaries to the Ohio River and applied French law to the region	20. For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:	A. 1, S. 8 A. 4, S. 3 & 4 A. 6 (?)
1774 - restricted town meetings in MA; colony's councilors would not be elected but appointed by the king; Royal governor controlled the lower court judges	21. For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;	Art. 4, Sec. 4 - guarantees a Republican form of government
1767 - Parliament suspended the NY assembly for failing to obey the Quartering Act	22. For suspending our own Legislature, and declaring themselves invested with Power to legislate for us in all cases whatsoever	Art. 1, Sec. 4 & 5
King's Proclamation of Rebellion of August 23, 1775 - Gen. Gage authorized to use force to make colonists obey Parliament's laws	23. He has abdicated Government here, by declaring us out of his Protection, and waging War against us.	Preamble - Provide for the common defense Art. 4, Sec. 4
Seized American ships violating restrictions on foreign trade and bombarded Falmouth (Portland) ME; Bristol, R.I., and Norfolk, VA	24. He has plundered our seas, ravaged our Coasts, burned our towns, and destroyed the lives of our people	Preamble - Promote the general welfare and provide for the common defense 4th Amendment Art. 1, Section 8

Hired German mercenaries to fight the colonists	25. He is at this time transporting large Armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.	Preamble - Provide for the common defense Art. 1, Sec. 8
Restraining Act of 1775 - forced "impressed" American sailors to serve in the British Navy	26. He has constrained our fellow Citizens taken Captive on the high seas to bear Arms against their country, to become the executioners of their friends and Brethren, or to fall themselves by their hands.	Provide for the common defense Art. 1, Sec. 8 - to define and punish piracies and felonies committed on the high seas Art. 3, Sec. 2
1775 - Virginia's governor promised freedom to slaves who joined British forces. The royal government also instigated Indian attacks on frontier settlements	27. He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.	Preamble - Ensure domestic tranquility Amendments 13, 14, 15 Art. 4, Sec. 4

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<http://memory.loc.gov/ammem/help/constRedir.html>
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http://www.archives.gov/exhibits/charters/declaration_transcript.html
http://www.nccs.net/freedom_defined/index.htm?dec.html&2

Jefferson's original draft

<http://www.ushistory.org/declaration/document/rough.htm>

Comparison of three version (John Adams' handwritten copy, committee's report to Congress, and the engrossed copy):

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<http://www.findlaw.com/cascode/constitution>
<http://www.archives.gov/exhibits/charters/constitution.html>
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<http://www.loc.gov/rr/program/bib/ourdocs/articles.html>
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“Was the Revolution Justified?” Explanations for the grievances listed in the Declaration

http://www.digitalhistory.uh.edu/database/article_display.cfm?HHID=270

Documentary History of the American Revolution (source for all of the Acts passed by Britain between 1764 and the Treaty of Paris of 1783)

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<http://www.law.ou.edu/ushistory/stamp.shtml>

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William Pitt's speech on the Stamp Act

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- <http://web.gc.cuny.edu/ashp/ushi/stamp%20act.htm>
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Lesson Plans from Edsitement

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<http://teachingamericanhistory.org/convention/intro.html>

A More Perfect Union video website

<http://www.nccs.net/constitution-week/a-more-perfect-union.html>

National Center for Constitutional Studies

http://nccs.net/seminars/making_of_america_seminar_guide.pdf

Skills:

- Researching and analyzing primary source documents
- Interpreting written information
- Summarizing complex ideas
- Analyzing cause-and-effect relationships
- Evaluating arguments
- Making inferences and drawing conclusions
- Observing and describing
- Representing ideas and information orally, graphically and in writing.
- Utilizing the writing process
- Utilizing technology for research and study of primary source documents
- Vocabulary development
- Working Collaboratively

Standards Alignment <http://www.ncss.org/standards/strands/>

- NCSS-2—Time, Continuity, and Change
- NCSS-3—People, Places, and Environment
- NCSS-5—Individuals, Groups, and Institutions
- NCSS-6—Power, Authority, and Governance
- NCSS-10—Civic Ideals and Practices

Part V. Conclusion

Why focus on the Founding and its documents? Why does it matter what the Founders said? Why should government teachers begin here? These questions can be answered by looking at just one issue that recently made headlines: The Patient Protection and Affordable Care Act, which was passed by Congress in 2010 by seven votes.⁵¹ Two years later, before the law was fully enacted, the Supreme Court heard three days of arguments for and against the constitutionality of the law, based on suits filed by 26 states. On April 2, 2012, just days after the arguments concluded, President Barack Obama issued the following statement: “I’m confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress”⁵²

To begin, what an extraordinary event to provide a valuable civics lesson! Students who have learned the foundational principles of the Founding will immediately see the Constitution at work: the three branches of government exercising their constitutional powers. But that is what is at issue, is it not? The Court will not announce its decision until June, but the working out of whether the federal government has the authority to create and put into place such a sweeping law provides an excellent opportunity for teachers to help students apply their knowledge in a real and practical way. What this clearly illustrates is that students, as well as all Americans, need to understand the Founding so they will have a

⁵¹ Alan Silverleib, “House Passes Health Care Bill on a 219-212 Vote,” March 21, 2010. CNN Politics. Available at http://articles.cnn.com/2010-03-21/politics/health.care.main_1_health-care-entire-house-democratic-caucus-pre-existing-conditions?s=PM:POLITICS (accessed on 11 April 2012).

⁵² “President Barack Obama’s remarks on health care and the Supreme Court,” Associated Press, 5 April, 2012. Available at http://www.washingtonpost.com/national/president-barack-obamas-remarks-on-health-care-and-the-supreme-court/2012/04/05/gIQA2H16xS_story.html (accessed 11 April 2012).

foundation, a standard, if you will, by which to judge the statements and actions of all of our representatives – whether directly or indirectly elected.

The Constitution is our fundamental law, as confirmed by first principles, or the law of nature, expressed in the Declaration, and put into practice in the Constitution. Professor Robert P. George put it this way:

American ideals, as embodied preeminently in the Declaration of Independence, are universal and timeless. They have force wherever there are human beings, fallible (indeed, as the Founders recognized, fallen) creatures, yet images of God in their possession of reason and freedom—beings, as the Declaration says, “endowed by their Creator with certain unalienable rights.”⁵³

The Constitution is also fundamental law because it was authorized by the “people themselves,” through the ratification process in the states, and because it has achieved the authority that time bestows on successful enterprises. This means, at the very least, that it cannot be violated by ordinary positive law (including statutes or congressional or executive acts). As such, part of the Constitution’s function is that it limits the power of both federal and state governments. Students need to know that we have a federal system established by the Constitution, and they need to be educated and well-versed in what the Founders were trying to achieve so that they can hold their representatives accountable. All of America’s representatives, including including the President and his cabinet, the Supreme Court justices, senators and congressmen, take an oath to uphold the Constitution. For one of them to say, as Rep. Phil Hare, D-Ill did, that he didn’t “worry about the Constitution” should make Americans sit up straight. The citizens in his district did – they voted him out of office “in a

⁵³ Robert P. George “What Colleges Forget to Teach.” City Journal, Winter 2006. Available at www.city-journal.org/html/16_higher_education.html. Accessed February 17, 2006.

district designed by Democrats to elect a Democrat” in the 2010 mid-term elections.⁵⁴ Mr. Hare was wrong; we should all worry about the Constitution. But first we have to know what it says.

⁵⁴ Michael Barone “Americans are worrying about the Constitution Again.” The Washington Examiner, distributed by Creators.com. April 2, 2012.

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Appendix Material

Appendix A

Influences on the Founders*

Classical Republicanism (Ancient Greece and Rome)

Ancient Greece - our word *politics* comes from the Greek "politikos," meaning "of or pertaining to the polis"; the polis was a Greek city-state (like Sparta and Athens)

Socrates (470 – 399 BC)

- Beginning of political philosophy
- Justice is eternal– not relative to time or place; always and everywhere the same
- Therefore, justice is not a matter of convention (nomos), but of nature – there is a natural justice or natural right
- Did not claim his concept of the nature of justice as truth – but his method of asking questions such as “What is justice” assumes an answer of unchanging and constant essence

Plato (427-347 BC)

- Opened The Academy in 388; famous for the notion that ideas rule the world
- Fundamental, universal, and ethical principles common to all men everywhere do exist
- *The Republic* - very influential to political philosophy in Western governments
- Posited three social classes, each having certain rights separate from the others
- Best possible form of government: rule by a philosopher-king
- But this is impossible, so he came up with five categories:
 - Aristocracy (rule by the best)
 - Timocracy (rule by the military)
 - Oligarchy (rule by the wealthy few)
 - Democracy (rule by the common people; the many poor)
 - Tyranny (rule by the worst)

Aristotle (384-322 BC)

- Man is a political animal
- *The Politics*
- Developed the first systematic theory of Natural Law
- Six possible forms of government; three good and three corrupt:

	<u>Good Form</u>	<u>Bad, Corrupt Form</u>
Rule of One:	Monarchy - kingship	Tyranny
Rule of the Few:	Aristocracy	Oligarchy
Rule of the Many:	Polity	Democracy

*Rule of the One is good when the One is concerned with all, but corrupt when the One is concerned with only the One

*Rule of the Few is good when the Few are concerned with all, but corrupt when the Few are only concerned about the Few

*Rule of the Many is good when the Many are concerned with all, but corrupt when the Many are only concerned about the Many

*Polity was a mixed form of government (or mixed constitution) because it incorporated elements of democracy and oligarchy

Polybius (203-120 BC)

- Greek historian who wrote about the Roman Republic
- Deported to Rome following Rome's conquest of Greece in 146 BC
- While Rome conquered Greece militarily, Greece conquered Rome culturally
- Popularized the idea of a mixed constitution in the ancient world - a combination of monarchical, aristocratic, and democratic elements

Ancient Rome/Roman Republic (6th century to 1st century BC)

- Republican form of government
- Stressed the common good – what was best for society as a whole
- Public good must be preserved through:
 - citizenship and civic virtue
 - moral education
 - small, uniform communities
- If people were too different they would split into factions
- Essential government structure:
 - Consuls (2) held executive power and controlled the army – both had to agree to any action
 - Senators – lifetime poses held by the wealthy; advised consuls
 - Assemblymen included all free, male Roman citizens; voted on major issues, but rich patricians had more votes than poor plebeians. Assemblymen elected tribunes to the senate, who were supposed to speak for the poor
 - Prefects were appointed officials who ran the city and heard some court cases
- Citizens all had the same rights
- Unwritten mixed constitution (after 287 BC it had executive and legislative branches representing virtually all classes and tribes)
- The history of the Roman Republic was an example and a warning: Rome's commitment to the common good gave way to individual selfishness and corruption in Cicero's time

Cincinnatus (519-438 BC)

- Called twice to serve as dictator
- Voluntarily gave up political power twice and went back to his private life
- Example of civic virtue

Cicero (106 – 43 BC)

- Roman orator, lawyer, politician and philosopher; defended the Republic before its fall; exiled in 58BC
- *De Officiis* - meditation on morality and moral duty discusses moral principles as applied to public life; great influence on Western civilization
- “On the Commonwealth” – speaks of natural law as a moral law: “True law is right reason...it is constant and eternal...all nations at all times will be bound by this one eternal and unchangeable law...”
- Self-restraint, or limits to action for the sake of self-interest (echoing the Stoics)
- What is honorable must always be chosen; some actions, even to save the state, are so

- morally abhorrent that they must be rejected
- Embraced and passed on Polybius' ideas about a mixed constitution
- Defined political philosophy; credited Socrates with being “the first to call philosophy down from heaven, place it in cities and homes, and compel it to inquire about life and morals as well as good things and bad” (Mansfield)

From Classical Republicanism, the Founders learned:

- Humans are naturally social creatures with obligations to each other and their communities
- Without society humans could not survive or reach for excellence.
- Those who govern must be wise
- One purpose of government: help people learn and perform their civic and moral duties
- Democracies begin well, but they tend to end in tyranny when the poor attack the rich (See the *Federalist Papers*, in general, for one specific reference: #9)

Judeo-Christian Worldview

Shift in Focus:

- Emphasis on private morality over public morality (inner faith and obedience to God) as expressed in biblical teachings
- Still a focus on duty, but to God and man, not to community
- Biblical understanding of the nature of man – fallen, or flawed, but created in the image of God
- Stressed the dignity and worth of each individual
- All are equal “at the cross” (all humans are equal in divine law)
- The Church was the one unifying institution during the Middle Ages
- *Respublica Christiana* – “Christian Republic” – incorporated the classical idea of harmony between each individual and the whole of society

Augustine (354 – 430)

- *City of God*
- Man can know God through revelation and Scripture
- An unjust man-made law violates the natural law; therefore man is not bound to obey it

Thomas Aquinas (1225-1275)

- Catholic scholar - used reason and intellect to defend faith
- Natural Law Theory - Law existing outside of human will and reason; human will/reason can participate in the law, even if the law comes from outside. Doing what is morally right by nature and inculcating in humans habits that are good for them (gives way later to natural rights - individual rights)

Protestant Reformation (early 16th century)

- New ideas about religion, individual rights, and government

Germany - Martin Luther (1483 - 1536)

- New understanding of salvation
- Monk and reformer
- October 31, 1517, his "95 Theses" ushered in the start of the Protestant Reformation

France - John Calvin (1509 - 1564)

- New understanding of the church
- Teachings became known as Calvinism
- *"Institutes of Christian Religion"*

English reformation - reign of Henry VIII

- Sir Thomas More (1478 - 1535)
- *Utopia* – 1516; executed for refusing to recognize the king's divorce and remarriage - "I die the King's good servant, but God's first."

Scotland - John Knox (1505 - 1572)

- Reformer; disciplined Samuel Rutherford
- Duty to oppose unjust government in order to bring about moral and spiritual change

Samuel Rutherford (1600 - 1661)

- Scottish Presbyterian reformer
- *Lex Rex, the Law, and the Prince* - 1644
- Argued for limited government and limitations on the idea of the Divine Right of Kings

English Constitutionalism**The Ancient Constitution (from time immemorial)****Charter of Liberties (1100)**

- King Henry I issued the Charter, binding him to obey certain laws regarding the treatment of nobles and church officials

Common Law

- Law common to all of England, not regional customary law that developed in the feudal period
- Origins traced to the reign of Henry II (1154 – 1189)
- By about 1300, Royal Courts alone settled disputes and judges applied a uniform law throughout
- *Stare decisis* (using earlier rulings (precedents) to determine future cases with similar facts) evolved into a system of judge-made law; where incremental or minor changes can occur without making the law unpredictable or unstable
- English law and the English constitution valued tradition and custom
- "Rights of Englishmen" – were fundamental – neither king nor parliament could violate them
 - Right to trial by a jury of one's peers
 - Security in one's home from unlawful entry
 - Limits on government's power to tax

Magna Carta (1215; issued with revisions in 1216, 1217, and 1225)

- Written by Stephen Langton, Archbishop of Canterbury
- Drawn up after King John tried to take back some rights that his barons enjoyed; modeled after the "precedent" of the 1100 Charter of Liberties
- Trial by jury
- Protect Life, Liberty, and Property, includes due process - no arbitrary taking of life, liberty, and property

- Limited Government
- Protection against unjust punishment
- No taxes without consent

Petition of Right (1628)

- No quartering (housing) of troops in private homes
- No tax without consent of Parliament
- Cannot imprison people without cause
- No declaring martial law.

Habeas Corpus Act of 1679

- British subjects entitled to apply for a writ of habeas corpus – requires the government to explain why someone is being held
- No government official, not even the king, can hold someone in prison indefinitely or arbitrarily

English Bill of Rights (1689)

- No taxes, suspension of laws, or a standing army without consent of Parliament
- Right of petition
- Rule by consent of the people
- Right to a fair and speedy trial by peers.
- No cruel and unusual punishments or excessive bail and fines
- Rule of Law
- Representative government.

British Constitution

- Not a single written document
- Includes common law, important acts of Parliament, and political customs and traditions
- Central Principle – respect for established rules and procedures (the rule of law)

British Government

Example of representative government (republican government)

- Republic - *res publica* - Latin for "thing (or property) of the people"
- Limited monarch, aristocracy in one house of Parliament (House of Lords), and the House of Commons (for the common people) in theory

William Blackstone

- Lawyer who became a lecturer on law at Oxford
- Wrote *Commentaries on the Laws of England*
- Placed the history of English common law into four categories: Rights of persons, Rights of things, Private wrongs (torts), Public wrongs (crimes)
- *Commentaries* became an important source of legal information in the American colonies
- Famously articulated "the Rights of Englishmen"
- Statutory and common law guarantees for the sanctity of an Englishman's life, liberty, and property, including due process, attorney-client confidentiality, equality before the law, habeas corpus, the right to confront accusers, and forbidding bills of attainder and forced self-incrimination

Early Liberalism

Renaissance "Rebirth" begins in Italy (1300 to 1600)

- Idea of a mixed constitution was incorporated (from Cicero's influence) into Renaissance political thought and thus into Republicanism

Age of Enlightenment (1600 to 1800)

- Natural Science - Study of the natural world and the laws that govern it

Francis Bacon (English)

- Belief in the power of human reason and observation in order to understand nature and to control it for the benefit of humanity

Natural Rights Philosophy

- Study of human nature and government
- Hobbes and Locke emphasize natural rights over the good of the community - "Rights" consciousness - rights of individuals are identified as something that need protection
- Hobbes and Locke both advocate the Social Contract Theory - society is made by people agreeing (consenting) to give up some of their freedom to a government in order to protect their individual natural rights (to life, liberty, and property)
- State of Nature – Law(s) of Nature

Thomas Hobbes (1588 – 1679)

- *Leviathan*
- English philosopher of materialism
- Fled to France during the English civil war (1642-1651)
- Without government, people would be constantly fighting amongst themselves
- Without government "the life of man; solitary, poore, nasty, brutish, and short"
- Government is a contract between citizens and a ruler, citizens give up their rights for a guarantee of peace and security
- Best government is one in which the ruler has absolute power and rules by fear
- people never have the right to rebel; no appeal but to heaven

Algernon Sidney (1623 – 1683)

- John Adam's considered him a hero
- Beheaded for plotting to get rid of King Charles II (martyr to English Whigs)
- Thomas Jefferson refers to Sidney in an 1825 letter to Henry Lee, where he explained that the authority of the Declaration rested "on harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of... Aristotle, Cicero, Locke, Sidney, etc."
- Argued against divine right of kings
- No one is above the law
- Foolish to imagine we will always have wise, just and good leaders (See the *Federalist Papers*, "We will not always have enlightened statesmen at the helm.")
- The ends of government: defend the "liberty, life and estate of every private man..."

John Locke - 1632 - 1704

- *Two Treatises of Civil Government*- 1689
- Government is a contract between citizens and their rulers
- Purpose of government is to protect life, liberty, and property
- Citizens have a right to rebel against a government that does not respect the rights of its citizens
- Rulers should have power only as long as they have consent of the people
- Equality – all are born with equal political rights

French Thought:

Montesquieu (1689-1755)

- *Spirit of the Laws*
- Picked up the idea of a mixed constitution (from Cicero); cited England's mixed constitution
- Tyranny can be avoided by dividing and sharing political power among a diversity of classes and groups (mixed constitution)
- Government should be separated 3 ways - legislative, executive, judicial (Separation of Powers)
- Checks and Balances

Voltaire

- Freedom of speech and religion

Rousseau

- government should be a contract between the people, not the people and a ruler
- people should give up some freedom in favor of the majority's decision
- people are equal and have a right to individual freedom

Scottish Thought:

Adam Smith – Economist

- Popularized the theory that rational economic self-interest in a free market leads to economic well-being
- *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776)
- New economic system of capitalism developed – the means of producing and distributing goods are privately owned and operated for profit in free and competitive markets. A free market determines the prices of goods and services. State and business activities are separated.
- Capitalism allowed more people to choose their own occupations, start their own businesses, and buy and sell property
- People also began to pay more attention to their private interests than in to the common good
- Early works focused on ethics and charity as a part of self-interest: “Man has almost constant occasion for the help of his brethren, and it is in vain to expect from their benevolence only.”
- Argued that the American colonies were too expensive for the British Empire to keep

Colonial Experience

Self-government (local government) in the colonies before 1776

- Covenant theory – political covenants and compacts of the 1700s evolved from church covenants of the 1500s to 1600s, which evolved from the covenant tradition of the Old Testament

- Mayflower Compact (1620) - The Pilgrims' clearly defined goals of advancing the Christian Faith by covenanting together to form a "civil body politic."
 - Early example of social contract theory put into practice in America
- Royal charter granted to the Virginia Company promised those who settled in the colonies and plantations in America (and their children) would "have and enjoy all liberties, franchises, and immunities...as if they had been abiding and born, within this our Realm of England..."
- Colonial (17c) documents (essential origins of American Constitutionalism)
- Tradition of putting rights in writing became an essential part of American constitutions
- 1639 Fundamental Orders of Connecticut - first written constitution in the Western World
 - Authority came from consent of all free men
 - Established a central legislative assembly, a governor, and courts
- Massachusetts Body of Liberties (1641) provided for the rule of law and protection of basic rights of residents from abuse of power officials
 - America's first bill of rights, providing that "no man shall be arrested, restrained, banished nor anyways punished...unless by virtue of some express laws..."
 - Also guaranteed trial by jury, free elections, and the right of free men to own property
 - Prohibited government from taking private property without just compensation, from self-incrimination, and from imposing cruel and unusual punishment
- Guarantees of basic rights appeared in other colonies
 - Pennsylvania and other colonies specified freedom from arrest except for probable cause, trial by a jury of one's peers, no taxation without representation
 - Pennsylvania was the first colony to guarantee freedom of conscience
- All colonies except Pennsylvania and Georgia had bicameral legislatures
- Basic principles of colonial governments:
 - Fundamental rights
 - Rule of Law
 - Representative government/right to vote
 - Separation of powers: Legislatures, governors, courts

Puritan Ministers in actions and words (selected examples)

- John Wise - Led Ipswich citizens in 1688 in a protest against royal governor Edmund Andros and colonial taxation. Calvin Coolidge later referred to him as one of the inspirations for the Declaration of Independence.
- Elisha Williams – "Essential rights and liberties of Protestants" – 1744
 - Early thoughts about equality (echoing Locke long before independence)

"As reason tells us, all are born thus naturally equal, with an equal right to their persons, so also with an equal right to their preservation . . . and every man having a property in his own person, the labour of his body and the work of his hands are properly his own, to which no one has right but himself.... Thus every man having a natural right to (or being proprietor of) his own person and his own actions and labour, which we call property...."
- Gad Hitchcock – "An Election Sermon" in 1774 with General Thomas Gage in attendance, appealed to reason and revelation as grounds for consent of the governed: "In a state of nature men are equal, exactly on a par in regard to authority: each one is a law unto himself, having the law of God, the sole rule of conduct, written on his heart" (from *The U.S. Constitution: A Reader*, pp. 93-94;

Accessed on 4/10/12 from

http://www.hillsdale.edu/constitution/pdfs/02_3_ElectionSermon.pdf)

- Jonathan Mayhew – 1760s

Pamphlets/Articles/Declarations of Founding Era

- Virginia Declaration of Rights (1776)
- Thomas Paine's *Common Sense* (1776)
 - Convinced many that it was time for complete separation from Britain
- The Federalist Papers – Hamilton, Madison, Jay
 - Series of 85 articles encouraging New York to ratify the new Constitution
- State Constitutions

American Constitutionalism - A "New science of Politics"

Based on the Founders' study of ancient and English history and government, their own experiences, and their understanding of the human nature (again, see the *Federalist Papers*), they believed direct democracy (*demos*, meaning "people" or "many poor," and *kratos*, meaning "rule," - "the people rule") was not the best model for government for the new nation. They preferred a republican form of government - where many interests are represented in the legislature, and where everyone, including those who rule, must obey the law (rule of law). They created an entirely new American Constitutionalism.

- Limited Government – the Constitution, as fundamental higher law, limits government
- Inalienable (Natural) Rights
- Self-government
- Representative, or Republican Government (free, fair, and regular elections)
- Rule of Law – everyone is subject to the Rule of Law, even the lawmaker(s)
- Federalism and Separation of Powers
- Equality

*This chart was compiled from various sources, including, but not limited to the following:

Allen, W.B., "Best Friends: The Declaration of Independence and the Constitution." Keynote address delivered before the New Hampshire Center for Constitutional Studies at its 2004 Constitution Day Celebration, Concord, New Hampshire, September 21, 2004. Available at <http://teachingamericanhistory.org/library/index.asp?document=1451> (accessed 4 July 2010)

Marcus Tullius Cicero, "On the Commonwealth," in James E.G. Zetzel, ed., *On the Commonwealth and On the Laws* (Cambridge: Cambridge University Press, 1999), 71-72.

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Appendix B

Student Handout (Source: Emmitt Glynn)

Hobbes v. Locke

Thomas Hobbes (1588-1679)

Leviathan published in 1651

“From this equality of ability arises equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and to achieve their end, which is principally their own preservation, and sometimes their pleasure only, endeavor to destroy or subdue one another.”

Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man.... where every man is enemy to every man.....men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man (is) solitary, poor, nasty, brutish, and short.

“...that a man be willing ...to lay down his right to all things. For as long as every man holds the right of doing anything he likes, so long are all men in a state of war.”

“Men are constantly in competition for honor and dignity...and consequently, among men there arises envy and hatred and finally war...”

“The only way to erect such a common power which may defend them from the invasion of foreigners and the injuries of one another...is to confer all their power and strength upon one man....”

“The function of a sovereign...consists in the purpose for which he was entrusted with the sovereign power, namely the securing of the safety of the people; to which he is obliged by the law of nature, and to render an account thereof to God, the author of that law, and to none but him.”

How does Hobbes describe the natural state of humans?

What does this have to do with the kind of government Hobbes recommends?

“...we must consider what state men are naturally in: a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the law of nature....A state also of equality, wherein all the power and jurisdiction is mutual, no one having more than another....but though this be a state of liberty, yet it is not a state of license...the state of nature has a law of nature which obliges everyone; and reason, which is that law, teaches all mankind who will but consult it that, being equal and independent, no one ought to harm another in his life, health, liberty, or possessions.”

“Men being by nature all free, equal, and independent, no one can be put out of this condition and subjected to the power of another without his own consent.”

“...these laws ought to be designed for no other reason than for the good of the people.”

How does Locke describe the natural state of humans?

What does this have to do with the kind of government Locke recommends?

Are you more convinced by Hobbes or Locke? Why?

Appendix C - Student Handout
Articles of Confederation Compared to the U. S. Constitution

Articles of Confederation	Stipulation	U.S. Constitution
	Means of ratification and/or future change (amendments)	
	How are new laws created?	
	Type of legislature Number of houses	
	Representation – how are the people represented?	
	Elections & Terms of Office	
	Executive	
	Judiciary (federal Courts)	
	Taxing Power	
	Regulation of Commerce (trade)	
	Sovereignty	
	Raising an Army	

Teacher Key

Articles of Confederation	Stipulation	U.S. Constitution
13/13 states must agree to amend - unanimous	Means of ratification and/or future change (amendments)	2/3 of both Houses of Congress + 3/4 state legislatures or national convention (Art. 5)
9/13 states needed to approve legislation	How are new laws created?	50% plus 1 of both houses + president's signature
One unicameral (one-house) Congress	Type of legislature (Number of houses)	Bi-cameral (two-house) Congress
Each state received one vote regardless of size	Representation – how are the people represented?	Upper house (Senate) with 2 votes; lower house (House of Representatives) based on population (Article 1)
Appointed by state legislatures (in the manner each legislature directed); one year terms and limited to no more than three out of six years	Elections & Terms of Office	Representatives - popular vote (two years) Senators - appointed by state legislatures (six years) - until changed by the 17 th Amendment (1913); No term limits (Article 1)
No executive with power. President of U.S. merely presided over Congress	Executive	Executive branch headed by the President who chooses a cabinet and has checks on power of the judiciary and legislature (Article 2)
No system of federal courts - there was a maritime judiciary - courts left to the states	Judiciary (federal Courts)	Court system created to deal with issues between citizens and states (Art. 3), including the Supreme Court
Congress could apportion taxes to each state, to be collected by the state, but it had no enforcement power to make the states pay	Taxing Power	Congress has the right to levy and collect taxes (Article 1, Section 8)
No power to regulate interstate or foreign trade	Regulation of Commerce (trade)	Congress has the power to regulate foreign & interstate trade

Resides in the states	Sovereignty	Constitution the supreme law of the land (Art. 6)
Congress could not draft troops and was dependent on states to contribute forces	Raising an Army	Congress can raise an army to deal with military situations

Appendix D

A More Perfect Union: America Becomes a Nation Guided Viewing Questions

Lesson 1

1. Where was John Adams in 1786? _____
2. Who is with Madison outside the legislature? This man also wrote the Virginia Declaration of Rights and the Virginia Constitution.

3. What did America want with Great Britain, according to John Adams?

4. Qui bono means _____?
5. Explain what the British official meant: _____

6. Where was Thomas Jefferson during the Constitutional Convention?

7. Explain the rebellion that took place in Massachusetts. What is its significance?

8. What was the first Constitution of the U.S.? _____
9. The U.S. border on the south was threatened by _____, and on the north by _____.

10. Who did James Madison say must attend the Constitutional Convention, who “held the fate of America in his hands”?

11. Where was the first convention held in 1786? _____

12. How many states showed up? _____

13. Where was the second Convention held in 1787? _____

14. How many states showed up? _____

Lesson 2

1. What does the narrator say both English citizens and new Americans believe in strongly? _____

2. What were most Americans afraid of and why? _____

3. Why did Franklin “the _____ of Philadelphia” say George Washington “the _____ was no tyrant? _____

Think! What Roman figure of antiquity acted as Washington did by giving up power?

4. What did Ben Franklin stake his reputation on? _____

5. During Franklin and Washington’s conversation, what great “truth” did they agree on?

6. At the meeting in the tavern, James Madison explains his new plan to his fellow

Virginia delegates. This “Virginia Plan” _____ the Articles of

Confederation, which Madison says will be the first battle of the Convention. Why?

-
-
7. Madison uses tableware to explain what his plan. The Articles are like the cup and

saucer, which represents _____, with _____
vote for each state. Nothing is binding unless there is complete agreement, which
there never is, so nothing can be accomplished.

His proposal would create _____ branches; _____ would be divided
into two _____, a _____ and the _____
of _____, represented by two water glasses.

In this branch, there would be _____ representation in both houses.
Madison insists on such representation because this new Congress will make
nationally binding laws, so he believes the number of representatives must be
determined by population.

This Congress has more power than Congress did under the Articles, but its power is
_____ by dividing it. The second branch, the _____ is
represented by Washington's wine glass. The third branch, the _____ is
represented by a pewter mug

8. What does Madison say the battle for the "soul of America" will be? _____

9. Who is not "over-awed" in the presence of the General? _____

10. 10. At the Convention, the delegates agreed on complete secrecy. Why?

Madison gives an impassioned speech: "We've come to the moment to decide whether the
"American Experiment" is to survive and be a blessing to the world or not. We have the

Articles, and we have this New Kind of Government. Every day the union grows more impotent and her people more discontent. Is this what we wish? No”

Then he has a debate with Mr. Sherman over large and small states.

11. The traditional view is that good and popular government (meaning government by the people) only works in _____.

12. Define factions. _____

13. Madison answers that his research has shown that it is only in large states that the

(This is from Federalist #10)

14. “All societies are made up of warring _____, rich against _____,
religion against _____, race against _____.”

15. “Small republics fall prey to _____, with the result of _____ and
_____.”

16. Did the delegates decide on a “classical republican” form of government? Why or Why not?

17. Madison ends his speech by saying that “Such a Republic, if dedicated to

_____, protected by _____, and of the spirit of the _____
would, I believe, last through the ages. But first it must _____.”

Lesson 3

1. The segment begins with a vote on the first resolution of Mr. Randolph's Virginia plan. The delegates vote in favor of what?

2. What is meant by "proportional representation"? _____

3. Was there any debate about slavery during the convention? _____

4. Which two states insisted on keeping importation of slaves? _____

5. How did they settle this debate over the international slave trade?

6. What did the New Jersey Plan propose, and who proposed it? _____

7. What was the Connecticut Compromise, and who proposed it? _____

8. What is meant by “organic” or “fundamental” law? _____

Lesson 4

1. What was behind the debate between the large and small states? _____

2. What came out of the “Grand Committee”? _____

3. Benjamin Franklin called on the delegates to pray. What was he appealing to?

4. Explain the difference between how the Founders and Framers viewed the nature of man and how the French revolutionists viewed man.

5. What is the role of literacy in the political life of America? This can be traced back to which early settlers?

Lesson 5

1. Which delegate from Virginia, and who had originally presented the Virginia Plan, did not sign the final document?

2. Once the delegates at the Convention signed the Constitution, why wasn't it the law of the land? Why did it have to be approved again in State Ratifying Conventions?

3. What Committee approved the style, including the now famous words, "We the People"?

4. What is the significance of that phrase?

5. Why did Benjamin Franklin urge the delegates to approve the final Constitution?

6. Which other Virginian did not vote in favor of the Constitution? _____
7. Why? _____
8. What was the argument against putting a Bill of Rights in the Constitution?

9. How did John Adams describe the Constitution to the British?

A More Perfect Union: America Becomes a Nation

Lesson 1

1. Where was John Adams in 1786? **Ambassador to England**
2. Who is with Madison outside the legislature – who wrote the Virginia Declaration of Rights and the Virginia Constitution? **George Mason**
3. What did America want with Great Britain, according to John Adams? **Fair Trade**
4. Qui bono means **Who Benefits?**
5. Explain the British foreign secretary's comment in #4. **Why should Britain change its policy – America has no government to make them. The states fight with each other and its Congress has no power. Britain is benefiting from all of America's problems, so why should they change?**
6. Where was Thomas Jefferson during the Constitutional Convention? **Paris, France**
7. Explain the rebellion that took place in Massachusetts. What is its significance?
Shay's Rebellion – Western MA farmers, war veterans, are losing their farms because of high taxes – they shut down courthouses and run tax collectors off. Americans recognize the Articles don't give Congress the power to stop this
8. What was the first Constitution of the U.S.? **Articles of Confederation**
9. The U.S. border on the south was threatened by **Spain**, and on the North by **Britain**.
10. Who did James Madison say must attend the Constitutional Convention, who "held the fate of America in his hands"? **George Washington**
11. Where was the first convention held in 1786? **Annapolis, Maryland**
12. How many states showed up? **5**
13. Where was the second Convention held in 1787? **Philadelphia, PA**
14. How many states showed up? **12 (Rhode Island never showed up).**

Lesson 2

1. What does the narrator say both English citizens and new Americans believe in strongly? **The Rule of Law**
2. What were most Americans afraid of and why? **A large, strong central government. They were afraid of tyranny**
3. Why did Franklin "the **sage** of Philadelphia" say George Washington "the **soldier**" was no tyrant? **Because he voluntarily surrendered power (his commission) after the war.**
Think! What Roman figure of antiquity acted as Washington did by giving up power? **Cincinnatus**
4. What did Ben Franklin stake his reputation on? **That all men can govern themselves – self-government**
5. During Franklin and Washington's conversation, what great "truth" did they agree on?
The rights of Americans should be the rights of all mankind – and if America fails, all mankind will suffer (inalienable rights of life, liberty

and the pursuit of happiness)

6. At the meeting in the tavern, James Madison explains his new plan to his fellow Virginia delegates. This “Virginia Plan” **abolishes** the Articles of Confederation, which Madison says will be the **first** battle of the Convention. Why? **Because the states are only empowered to amend the Articles, not to abolish them.**
7. Madison uses tableware to explain what he is trying to do. The Articles are like the **cup** and **saucer**, which represents **Congress**, with **one** vote for each state. Nothing is binding unless there is complete agreement; there never is, so nothing can be accomplished. His proposal would have **three** Branches; a **Congress** divided into two **Houses**, a **Senate** and the **House of Representatives**, which are represented by **two** water glasses. In this branch, there would be **proportional** representation in both houses. Madison insists on such representation because this new Congress will make nationally binding laws, so he believes the number of representatives must be determined by population. This Congress has more power than Congress did under the Articles, but its power is **checked** by dividing it. The second branch, the **executive**, is represented by Washington’s **wine glass**. The third branch, the **Judicial**, is represented by a pewter **mug**.
8. What does Madison say the battle for the “soul of America” will be? **Over proportional representation**
9. Who is not “over-awed” in the presence of the General? **Mr. Morris**
10. At the Convention, the delegates agreed on complete secrecy. Why? **They wanted to be able to discuss and debate issues freely. They also wanted to be able to change their minds if they were persuaded by a more convincing argument without being thought of as irresolute or indecisive.**

Madison gives an impassioned speech: “We’ve come to the moment to decide whether the “American Experiment” is to survive and be a blessing to the world or not. We have the Articles, and we have this New Kind of Government. Every day the union grows more impotent and her people more discontent. Is this what we wish? No”

Then he has a debate with Mr. Sherman over large and small states.

11. The traditional view is that good and popular government (meaning government by the people) only works in **small republics**.
12. Define factions. **A group that seeks to promote its own special interests at the expense of the common good.**
13. Madison answers that his research has shown that it is only in large states that the **liberties of all are safeguarded (this is from Federalist #10, “enlarge the sphere”)**.
14. “All societies are made up of warring **factions**, rich against **poor**, religion against **religion**, race against **race**.”
15. “Small republics fall prey to **factions**, with the result of **lawlessness** and

oppression.”

16. Did the delegates decide on a “classical republican” form of government? Why or Why not? **They decided on an entirely new kind of republicanism – states give up some of their power to a stronger central government. The delegates agreed because they knew their state governments were failing and they needed a stronger central government to deal with other countries.**
17. Madison ends his speech by saying that “Such a Republic, if dedicated to **Justice**, protected by **Truth**, and of the spirit of the **people**, would, I believe, last through the ages. But first it must **exist**.”

Lesson 3

1. The segment begins with a vote on the first resolution of Mr. Randolph’s Virginia plan. The delegates vote in favor of what? **Abolishing the Articles.**
2. What is meant by “proportional representation”? **The number of representatives each state has is decided by that state’s population – the more people in a state, the more representatives that state has. Large states will have more votes because of population. Small states saw this as an effort to destroy state sovereignty: “...destroy the equality of the states...smaller states will not accept such tyranny!”. This debate was going nowhere at this point, so the delegates voted to postpone discussion of the Virginia Plan.**
3. Was there any debate about slavery during the convention? **Yes. They debated the morality of slavery in general, and more specifically, importation of slaves. John Rutledge (S.C.) argued “Morality has nothing to do with this argument! Interest alone is the governing principle of nations.” George Mason (one of the largest slaveowners in Virginia), responded: “This is a moral issue. Nations cannot be punished in the next world for their sins, so they must be punished in this one. Slavery will bring the judgment of heaven down on this country.” When Mr. Sherman pointed out the irony of Mason’s views (in light of owning slaves), Mason replied, “We can’t end slavery overnight, but we can end its increase.” Mason blames Great Britain for the slave trade (think of Jefferson’s stricken passages from the DOI – the reference to G.B. starting the slave trade).**

Other sentiments:

Mr. King (Mass.) “Men and women are not produce.”
Gouverneur Morris: “It [slavery] is iniquitous!”

4. Which 2 states insisted on keeping importation of slaves? **The Carolinas and Georgia: “South Carolina, if left at liberty, may end slave importation on its own, but not if forced.”**
5. How did they settle this debate over the international slave trade? **There were those who wanted to end the slave trade immediately, and those who did not ever want to end it. The compromise was to allow it to be ended in 1808 (Article 1, Section 9), and Congress ended it the minute it was legally possible to do so, on January 1, 1808.**

6. What did the New Jersey Plan propose, and who proposed it? William Patterson proposed this purely federal plan that only amended the Articles. Americans would continue to be citizens of their states and the National government would continue as a confederation of sovereign states.

7. What was the Connecticut Compromise, and who proposed it? Roger Sherman of Connecticut proposed this plan, which called for a two-house Congress (like the Virginia Plan), but with the lower house having proportional representation, and in the upper house each state would have one vote each.

*Madison's major premise: equal representation means proportional representation. If representation follows population, the large states will always have power. Madison is not talking about as states, but as "the people." Madison did not want to compromise, but according to the video, George Washington insisted on consensus and compromise – "The business of government is compromise."

8. What is meant by "organic" or "fundamental" law? Higher Law - the Constitution is fundamental. It is different from legislative or enacted law because it:

- Sets forth the basic rights of citizens

- Establishes that the government is responsible for protecting those rights

- Sets limits on those in government

- Can only be changed with consent and according to procedures set up by the Constitution

The Constitution comes from the people, not from a legislature or government. As such it can only be changed by the people (through the amendment process as specified in the Constitution); it cannot be changed through statutory or man-made law.

Lesson 4

1. What was behind the debate between the large and small states? One state = one vote. Madison insisted that proportional representation was the only fair method of representation of the people. The small states feared they would always be at the mercy of the large states.

2. What came out of the "Grand Committee"? The Great Compromise – each state would have two votes in the Senate (equal representation) and proportional representation in the House. All bills must go through both Houses

3. Benjamin Franklin called on the delegates to pray. Who/What was he appealing to?

"How has it happened that we have forgotten the Father of Lights? The longer I live, The more I am convinced that God governs in the affairs of men. If a sparrow cannot Fall without his notice, is it probable that a great nation can rise without his aid?"

4. Explain the difference between how the Founders and Framers view the nature

of man and how the French revolutionists viewed man. The Founders viewed the nature of man as fallen, or flawed. Man was capable of great good, but also of great evil. The French revolutionaries believed in the “perfectibility of man.” If government and society and the economy could all be fixed, then man would be just fine.

5. What is the role of literacy in the political life of America? How can this be traced back to which early settlers? Education was extremely important to the political life of America. The Puritans considered education crucial; they created Harvard University in 1636, a mere 16 years after settling in the New World.

Lesson 5

1. Which delegate, from Virginia, and who had originally presented the Virginia Plan, did not sign the final document? Governor Edmund Randolph
2. Once the delegates at the Convention signed the Constitution, why wasn't it the law of the land? Why did it have to be approved again in State Ratifying Conventions?
Because it was to be the ruling document for the newly strengthened union of the states, it had to be approved by the people. It was based on a union of all of the people, not just the states.
3. What Committee approved the style, including the now famous words, “We the People”? The Committee of Style.
4. What is the significance of that phrase? It shows the world that in America, the people will govern.
5. Why did Benjamin Franklin urge the delegates to approve the final Constitution?
A perfect production cannot be expected to come from a group of men with different passions – but “I am astonished to find it so near to perfection. I consent to this Constitution because I expect none better, and I am not sure it is not the best.”
6. Which Virginian did not vote in favor of the Constitution? Colonel Mason
7. Why? Because there was no Bill of Rights; he is concerned about what will happen over time if individual rights are not protected.
8. What was the argument against putting a Bill of Rights in the Constitution?
Every state already had one in their state constitutions
9. How did John Adams describe the Constitution to the British? As a piece of paper that would change the world

Appendix E Websites and resources for Teachers and Students

1. <http://www.digitalhistory.uh.edu/>
Online Textbook; Mintz, S. (2007). *Digital History*. Retrieved December 27, 2011.
2. http://edsitement.neh.gov/lesson_index.asp
National Endowment for the Humanities, Verizon Foundation and Thinkfinity partnership has created a user-friendly website providing excellent and free lesson plans
3. <http://www.u-s-history.com/index.html>
U.S. History in chronological eras; includes key terms and quizzes
4. <http://www.archives.gov/education/lessons/index.html>
National Archives, Teacher Resources
5. http://www.teach-nology.com/teachers/lesson_plans/history/government/
Teachnology: The online teacher resource
6. <http://www.c-span.org/Campaign2012/>
C-SPAN Follow the Road to the White House: Campaign 2012
7. www.uscourts.gov
This site is maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary. The purpose of this site is to provide information from and about the Judicial Branch of the U.S. Government
8. <http://www.pbs.org/newshour/thenews/foreducators/index.php>
Using journalism and technology, *the.News* provides educators with content specific tools while also helping them meet the civic mission of schools
9. <http://teachingamericanhistory.org/convention/intro.html>
Introduction to the Constitutional Convention by Gordon Lloyd
10. <http://www.uschs.org/Content/103.htm>
Constitution Quizzes online. This is the site of the United States Capitol Historical Society
11. http://www.gilderlehrman.org/institute/era_founding.php
Gilder-Lehrman Institute of American History - The Constitution
12. http://www.archives.gov/exhibits/charters/charters_of_freedom_1.html
National Archives - Charters of Freedom
13. <http://memory.loc.gov/ammem/help/constRedir.html>
Library of Congress; American Memory; historical documents

14. <http://memory.loc.gov/learn/lessons/theme.html>
Library of Congress Lesson Plans
15. <http://www.cato.org/index.html>
The CATO Institute: Individual Liberty, Free Markets, and Peace
16. <http://www.usconstitution.net/const.html>
U.S. Constitution online
17. <http://www.landmarkcases.org/gibbons/arguments.html>
Landmark Cases of the Supreme Court, Street Law, Inc.
18. <http://www.crfc.org/mocktrial.html>
Constitutional Rights Foundation Chicago (includes lesson plans)
19. <http://press-pubs.uchicago.edu/founders/tocs/toc.html>
The Founders' Constitution, University of Chicago Press and Liberty Fund
20. <http://www.constitutioncenter.org/timeline/html/cw06.html>
National Constitution Center: Centuries of Citizenship, A Constitution Timeline
21. <http://www.acton.org/publicat/randl/article.php?id=397>
The Acton Institution for the Study of Religion and Liberty
22. http://oll.libertyfund.org/index.php?option=com_frontpage&Itemid=149
The Online Library of Liberty; A project of Liberty Fund, Inc.
23. <http://shaysrebellion.stcc.edu/index.html>
Shay's Rebellion and the Making of a Nation
24. <http://www.nlnrac.org/>
Natural Rights, Natural Law, and American Constitutionalism

